

JOURNAL *of the* REGULAR SESSION
OF THE
HOUSE OF REPRESENTATIVES
OF THE
COMMONWEALTH OF KENTUCKY

Begun and Held in the City of Frankfort, the Third Day of
January, in the Year of Our Lord 1922, and of
the Commonwealth One Hundred
and Thirty.

PROPERTY OF THE STATE OF KENTUCKY

THE STATE JOURNAL COMPANY
Printer to the Commonwealth
Frankfort, Kentucky.

JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

Said bill is in words and figures as follows:

“R. Rogers & Sons, Frankfort, Ky., September 4, 1920.
Sold to State Board of Charities and Corrections, for War-
den’s residence, Frankfort, Ky.:

Table \$20.00, lamp \$12.50, two rockers \$47.00.....	\$79.50
Two chairs \$47.00, settee \$40.00.....	87.00
One settee and two chairs, overstuffed velour.....	377.50
One table \$37.50, one side table \$25.00.....	62.50
Chair and rocker, tapestry seat and back.....	75.00
Electric lamp, blue silk shade.....	13.50
Settee, chair and rocker, Damask.....	265.00
One table \$37.50, table desk \$18.50.....	56.00
Chair and rocker, blue velour seats.....	55.00
Electric lamp, mulberry silk shade.....	13.50
Dining table, oak.....	68.50
Buffet oak \$100.00, oak china cabinet \$60.00.....	160.00
Serving table, oak \$35.00; screen \$10.00.....	45.00
Twelve leather seat chairs, oak.....	87.00
Two arm chairs, leather seat, oak.....	25.00
Library table, oak.....	45.00
Two chairs \$60.00, two chairs \$40.00.....	100.00
Wastebasket \$4.00, bookcase \$22.00.....	26.00
Enamel chiffonier.....	62.50

Bedstead with springs.....	22.50
Mattress \$15.00, wardrobe \$30.00.....	45.00
Wicker couch, chair and rocker (cretonne).....	95.00
Four-post bedstead.....	68.50
Dresser \$87.50, chiffonier \$55.00.....	142.50
Couch and three chairs.....	128.00
Spring and mattress.....	37.50
Brass bed \$37.50, oak dresser \$67.50.....	105.00
Oak desk \$15.00, two chairs \$47.00.....	62.00
Wicker table \$16.00, wicker lamp \$12.50.....	28.50
Spring and mattress.....	30.00
Iron bed \$15.00, spring and mattress \$19.00.....	34.00
Princess dresser \$28.50, oak rocker \$16.50.....	45.00
Two costumers \$18.00, mirror \$8.50.....	26.50
Oak table \$10.00, two kitchen tables \$9.00.....	19.00
Kitchen cabinet \$67.50, three mirrors \$15.50.....	83.00
Three pair pillows \$19.50, two pair pillows \$8.00.....	27.50
Five Axminster rugs 11/3x12 at \$85.00.....	425.00
Three rugs at \$45.00.....	135.00
Two rugs at \$50.00.....	100.00
Three rugs at \$30.00.....	90.00
One rug \$12.50, two rag rugs \$10.00.....	22.50
One rag rug \$3.00, one cocoa mat \$3.50.....	6.50
One steel foot mat \$3.00.....	3.00
Two mahogany finish rockers at \$10.00.....	20.00
One oak drop leaf table.....	14.50
One Bissell carpet sweeper.....	7.25
One refrigerator \$85.00, one clock \$10.00.....	95.00
Two vases 50c and 35c.....	.85
Two oil lamps with silk shades at \$3.35.....	6.70
One tea pot.....	1.25
Two dinner sets, English china at \$55.00.....	110.00
Glassware	25.00
Porch swing.....	7.50
Five pair blankets, wool at \$12.00.....	60.00

Mar. 10. HOUSE OF REPRESENTATIVES 1779

Mahogany finish rocker \$25.00, oak rocker \$12.00..... 37.00

Oak chair \$10.00, two office chairs \$15.00..... 25.00

Glass vase 25c, kitchen table \$4.50..... 4.75

\$3,899.80

Less 10% for cash..... 389.98

\$3,509.82

Credit:

Two rugs at \$45.00 returned..... \$90.00

Two oil lamps at \$3.35 returned..... 6.70

\$6.70

Less 10%..... 9.67

Net \$87.03

\$3,422.79

1920.

Sept. 10. To amount forwarded..... \$3,422.79

4 Kirsch rods \$2.40

Sept. 13 Oil Bottle 1.00

Syrup 75

12 glass plates 1.20

6 glass nappies 90

3 glass nappies 30

2 shades 2.00

4 Kirsch rods 60

Typewriter table 9.00

Sept. 17 F. O. pedestal 6.50

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Mar. 10.

Sept. 25	8 ft. porch shade	10.50	
	Two 6 ft. porch shade	17.00	
		<u>\$52.15</u>	
	Less 10%	5.21	
			<u>\$46.94</u>
			<u>\$3,469.73</u>
Sept. 29	Gas Stove \$18.50; connecting \$2.00	\$20.50	
	Zinc	2.50	
Oct. 1	K. rod 50c; 18 K. rods \$7.20	7.70	
	Hang 14 K. rods	1.40	
Oct. 6	11 shades at \$5.25	57.75	
	Hanging shades	2.20	
	Taking down shutters	5.00	
Oct. 7	Rug \$6.00; rug \$3.00	9.00	
	Three flat rods 75c; 3 shades \$3.45	4.20	
	Tray 75c; crumb tray 75c	1.50	
Oct. 8	Two gas stoves at \$18.50	37.50	
	Two gas stoves at \$10.00	20.00	
	Tube 25c; pipe and labor \$14.25	15.00	
	Rug \$3.00; rug \$6.00	9.00	
Oct. 21	Iron board	3.75	
Oct. 30	K. rods 80c; shade \$1.30	2.10	
	Rug \$3.00; rug \$6.00	9.00	
Nov. 16	4 yds. congoleum at 79c	3.16	
Dec. 17	Bed \$17.50; mattress and springs \$30.00	47.50	
	Total	<u>\$258.26</u>	
	Less 10%	25.83	
			<u>\$232.43</u>
			<u>\$3,702.16</u>

Paid September 29, 1920, from petty cash.

Receipt attached to original account.

9. Was any bill presented to you for goods bought from Kagin Bros., and for silverware bought from M. A. Selbert?

A. No.

10. Do you know of your own knowledge how they were paid?

A. Also paid out of petty cash fund.

11. After you had refused to pay the other bill?

A. Yes, sir.

12. Was this bill that was paid at the Frankfort Hotel by the board ever presented to your department?

A. Never.

13. How was it paid?

A. In the same manner, out of the petty cash.

14. And after you had refused to pay the other bill?

A. Yes, sir.

15. Mr. Doyle, do you know anything about an account that was made with the department to send certain parties to Jacksonville, Fla.?

A. I do not.

16. This bill for silverware from Selbert and for articles bought from Kagin Bros., you never saw copies of them until they were returned with the petty cash accounts, did you?

A. No, sir; not until returned with those accounts; turned over by the board to the auditor's office.

17. Is this a copy of the account that was turned over? (Handing him paper.)

A. I could not say as to that. The bills are turned over to us.

18. This bill from Kagin Bros. amounted to \$581.06. As your recollection serves you best, is that about the amount?

A. Yes, sir.

19. And the bill from Mr. Selbert for silverware, \$203.85, is that about the amount?

A. I can't recall the amounts.

20. The bill from Bacon Hardware Co. Do you remember about that, \$23.20?

A. I remember the bill but not the amount.

21. And the bill from the Frankfort Hotel; do you remember about that amount?

A. I remember about the amount; remember the account.

22. \$423.75; is that about correct, as your memory serves you, for the Frankfort Hotel account?

A. Yes, sir.

23. Will you file these accounts as part of your deposition?

A. Yes, sir.

Said accounts are in words and figures as follows:

“Frankfort, Ky., _____, 191_____.

Mr. W. H. Moyer and wife,

Frankfort, Ky.

To the Frankfort Hotel Company, Dr.

To transfer baggage	\$2.00
To transfer baggage	1.00
To room No. 15 and meals at \$4.25	102.00
To one extra supper	1.00
To one extra breakfast	1.00
To transfer baggage	2.50
To one extra supper	1.00
To one extra supper	1.00
To taxi hire (baggage three trips)	1.50
To room No. 18 and meals at \$9.50	228.00
To room No. 15	83.75

\$423.75

Receipt is attached to statement.”

“Frankfort, Ky., October 1, 1920.

M. A. Selbert, Jeweler.

Sold to Kentucky State Reformatory,

For Warden's Residence.

Sept. 2	To one clock	\$16.50
	Four dozen teaspoons at \$5.60.....	22.40
	One dozen dessert spoons	10.50
	One dozen tablespoons	11.20
	Two dozen desert forks	21.00
	Two dozen knives, H. H.	34.30
	One dozen butter spreaders	9.10
	One dozen Ind. salad forks	11.20
	One dozen ice teaspoons	8.40
	Two cold meat forks	3.16
	One salad spoon	2.72
	One salad fork	2.80
	One berry spoon	2.45
	Two olive forks, small	2.00
	Two olive forks, long	2.20
	One gravy ladle	1.92
	One bread tray	7.50
	One pitcher	12.50
	One sugar and cream	14.00
	One syrup	7.00
	Two pair salt and peppers	1.00
		\$203.85

Received payment,

9-22-20.

M. A. SELBERT,

Per J. L. Gorman.

Many thanks.”

“Frankfort, Ky., ..., 191.....

C. Kagin & Bro.

Sold to State of Kentucky,

By Mrs. Moyer.

1920.

Aug. 30	To 18' tubing \$13.50; 3 quilts \$25.50	\$39.00
	Two quilts \$20.00; 3 quilts \$12.00	32.00
	Two quilts \$5.50; 24 crash \$8.40; 12 crash \$4.20	18.10
	Three silence cloths \$4.50; 1¾ silence cloth \$2.63	7.13
	4 crash \$1.40; 6 bath mats \$6.00	7.40
	6 wash cloths 90c; 6 do 60c; 4 do 20c	1.70
	2 comforts \$11.00; 2 do \$17.00; 2 do \$18.00	46.00
	Blanket \$8.50; dozen napkins \$15.00	23.50
	Luncheon set \$25.00; luncheon set \$19.75	44.75
	Two dozen napkins \$17.00; 1 dozen napkins \$8.50	25.50
	Tablecloth \$8.50; tablecloth \$7.50	16.00
	9 table linen \$24.75; 3 table linen \$10.50	35.25
	One tapestry runner \$15.00; 2 do \$13.50	28.50
	5 runners \$2.50; 6 do \$6.00; 6 do \$15.00	23.50
	One mat set \$13.00; 1 mat set \$2.50	15.50
	24 towels \$15.60; 18 towels \$2.70; 12 towels \$6.00	24.30
	6 towels \$3.60; 6 sheets \$16.50; 1 pillow slip 50c	20.60
	16 pillow slips \$10.40; 52 sheeting \$57.20	67.60
Sept. 4	10 scrim \$3.00; 2 comforts \$15.00	18.00
	By 2 comforts \$18.00; scarf \$6.75	24.75
Sept. 8	2 oil cloth \$1.30; (11) 13-1.6 curtain net \$23.04	24.34

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	7 voile \$5.95; (14) net \$15.40	21.35
Sept. 14	3 Madras \$2.55; 10 madras \$8.50.....	11.05
	44 net \$44.00; 42 net \$35.70	79.70
	36 net \$39.60	39.60
		\$645.62
	Less 10%	64.56
		\$581.06

Paid: C. Kagin & Bro., 9/29/20. Thank you."

"State Reformatory, Frankfort, Ky., petty cash account for the month of September, 1920.

REPORT TO THE AUDITOR

Sept. 1	To Harrison Mills, gratuity	\$5.00
Sept. 2	J. B. Van Horn, 15 gallons buttermilk.....	3.00
	D. W. Middleton, expenses returning prisoner from Bath County road camp	8.88
Sept. 5	Will Gabbart, gratuity	5.00
	W. B. Fuller, amount paid express and to J. R. Sower for guitar and man- dolin strings	1.76
Sept. 6	Levi Miller, gratuity	5.00
Sept. 7	Price Bond, gratuity	5.00
	J. P. Noonan, P. M., for stamps	7.00
Sept. 8	Elnora Harris, gratuity	5.00
	Fernand Simms, gratuity	5.00
	W. B. Fuller, amount paid for band ma- terial, etc.	9.64
Sept. 9	Walker Johnson, gratuity	5.00
	Brutus Richards, gratuity	5.00
	Robert Watson	5.00
	Lum Prather, gratuity	5.00

Sept. 10	James Conway, gratuity	5.00
	Lunch for W. T. Webb and L. C. Tracy, guard	1.10
	American Ry. Express Co., express on dead body from Harlan road camp (Ed Anderson)	13.98
	W. B. Fuller, amount paid express	1.28
	W. B. Fuller, amount paid express on dead body, Ed Anderson, to Greensburg, Kentucky	11.36
	W. B. Fuller, overcharge on shipment of Ed Anderson to Greensburg, to be refunded to F. Anderson	7.03
Sept. 11	J. P. Noonan, P. M., for stamps	20.00
	E. Robinson, transportation to Louis- ville and return	4.62
Sept. 12	Wid Davidson, gratuity	5.00
	A. McKee, gratuity	5.00
	5 fares to Mt. Sterling	11.30
	One fare to Barbourville	5.04
	One fare to Booneville	3.90
	One fare to Cynthiana	2.26
	One fare to Mt. Vernon	4.06
	One fare to Louisville	2.13
	One fare to Louisville	2.13
	23 fares to Dillon (Harlan road camp)...	169.05
	One fare to Beattyville	3.71
	One fare to Versailles	.64
	One fare to Greenup	5.95
	One fare to Greenup	5.95
	One fare to Beattyville	3.71
Sept. 13	James Wilson, gratuity	5.00
	William Reynolds, gratuity	5.00
	Frank Hall, expenses and reward for the capture and return of James	

Mar. 10.	HOUSE OF REPRESENTATIVES	1787
	Kinman, an escape	106.62
Sept. 14	John Hines, gratuity	5.00
Sept. 16	Sidney Massey, gratuity	5.00
	J. B. Van Horn, notary fee	1.00
	One fare to Somerset	4.53
	One fare to Glasgow	6.02
	One fare to Paris	1.74
	One fare to Lexington	1.05
	One fare to Paris	1.74
	One fare to Louisville	2.13
	R. H. Hundley, expenses and reward for the capture and return of Prince Ellis, an escape	107.00
Sept. 17	William Vandrew, gratuity	5.00
	William Brown, gratuity	5.00
	Sam Williams, gratuity	5.00
	D. H. Cannon, expenses returning Elder Holder, prisoner, from Pike County road camp	34.32
Sept. 18	Bert Bryant, gratuity	5.00
	Gideon Sneed, gratuity	5.00
Sept. 20	Leonard King, gratuity	5.00
	Wayne Meade, gratuity	5.00
	Nath. Fort, gratuity	5.00
	W. B. Fuller, amount paid for stamps, guitar strings and material for show	8.03
	J. B. Van Horn, amount paid for six bu. tomatoes	2.00
	S. Semones, salary, 18 days' pay in September	43.33
	H. N. Snyder, fare paid for prisoner from Pikeville to Frankfort	8.55
Sept. 21	Forest Preston, amount paid C. E. Col- lins for paper for deputy's office.....	5.50

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Sept. 22	Henry Gray, gratuity	5.00
	W. H. Moyer, amount paid baggage	2.54
Sept. 23	Guy Barrett, for time books, rubber bands and pen points	6.91
Sept. 25	Forest Preston, salary, 27 days in Sep- tember	135.00
	J. P. Noonan, P. M., for stamps	20.00
	Calvin Moore, gratuity	5.00
	Ben Robertson, gratuity	5.00
	James Donaldson, gratuity	5.00
	Melt Bunch, gratuity	5.00
	John Gaddis, gratuity	5.00
	John O. Eason, gratuity	5.00
	Richard Johnson, gratuity	5.00
	Andrew Swindle, gratuity	5.00
Sept. 26	Charlie Garner, gratuity	5.00
Sept. 27	Roger Anderson, gratuity	5.00
	Everett White, reward for the capture of Harry Foster, an escape	100.00
	James Lambert, gratuity	5.00
Sept. 28	Millard Green, gratuity	5.00
	Marvin Combs, gratuity	5.00
	Excy Boyd, gratuity	5.00
	Three fares to Louisville	6.39
	One fare to Louisville and return	3.20
	One fare to Prestonburg	8.39
	One fare to Columbia	5.25
	One fare to Prestonburg	8.39
	One fare to Eden	7.26
	One fare to Louisville	2.13
	One fare to Pineville	5.56
	One fare to Louisville	2.13
	One fare to Covington	4.31
	One fare to Evelyn	3.21
	One fare to Whitesburg	7.41

Mar. 10.	HOUSE OF REPRESENTATIVES	1789
	One fare to Ashland	5.51
	One fare to Lexington	1.05
	One fare to Louisville	2.13
	One fare to Winchester	1.72
	One fare to Pineville	5.56
	One fare to Stone	8.46
Sept. 29	Thomas Lucas, gratuity	5.00
	Frankfort Hotel, transfer baggage, meals and lodging for Mr. and Mrs. Moyer	423.75
	R. Rogers & Sons, furniture for War- den's residence	3,469.73
	Kagin's, supplies for Warden's resi- dence	581.73
	M. A. Selbert, supplies for Warden's residence	203.85
	C. H. LaFever, expenses in travel ac- count for Reformatory	5.42
	L. R. Davis, salary, 20 days in August, 1920	161.29
Sept. 30	Jack Clark, gratuity	5.00
	One fare to Carlisle	2.32
	One fare to London	3.90
	One fare to Vanceburg	3.27
	O. G. Hardwick, salary 3 days, Septem- ber, 1920	11.17
	American Ry. Express Co., for express	4.51
	Total	\$6,076.82

O. K.

W. H. Moyer, Superintendent."

"DR. WARDEN KENTUCKY PENITENTIARY

1920.

Sept. 1 To balance last report\$7,689.56

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Sept. 21	By State Treasurer, reimbursement for expense accounts	49.42
Sept. 21	By Fred Anderson, reimbursement for ex- press paid on dead body, Ed Ander- son, to Greenburg	18.39

\$7,757.37''

“In account with STATE OF KENTUCKY, Cr.

Sept. 30	To expenses for the month as per memor- andum and receipts attached.....	\$6,076.82
Sept. 30	To balance	1,680.55

Total\$7,757.37''

“Frankfort, Ky.

W. H. Moyer, State Reformatory.

Dr. to Bacon Hardware Co.,

Oct. 1920	1 dish pan	\$1.50
	1 egg beater	.25
	1 coal bucket	1.00
	1 qt. tin cup	.20
	2 gal. white shellac	17.00
	4 pie pans	.80
	1 meat grater	.10
	1 lemon grater	.10
	1 doughnut cutter	.05
	1 collander	.60
	1 egg beater	.15
	1 meat chopper	.25
	1 eight pound flat iron	.80
	8 lbs. plaster paris	.40

\$23.20''

At this point Mr. Tachau was recalled.

299. Mr. Tachau, I believe you spoke about the account

for coal in 1920 being rather heavy. Is it not a fact that when this board went in the old Board of Control had a contract for coal to be furnished the State institutions?

A. I think the old board did.

300. Do you know what that contract was for, how much per ton?

A. No, but I have the original contract here.

301. This is from the Hatfield Coal Company?

A. Yes, sir.

"This contract made and entered into this the 26th day of November, 1919, by and between the Commonwealth of Kentucky, by and through the State Board of Control, party of the first part, and the Hatfield Coal Company, of Covington, Kentucky, part of the second part:

"WITNESSETH:

"Whereas, The party of the first part buys and the party of the second part agrees to sell and furnish the State Reformatory, Frankfort, Kentucky; Feeble-Minded Institute, Frankfort, Kentucky; Central State Hospital, Lakeland, Kentucky; Eastern State Hospital, Lexington, Kentucky, and the Kentucky Houses of Reform, Greendale, Kentucky, for a period of twelve months from December 1, 1919, their supply of coal for that period.

"The grades of coal to be furnished under this contract shall be either lump, straight mine run, 4" mine run, 2" mine run, nut and slack, at our option, the price to be the Government price, in effect at time of shipment, f. o. b. cars, mines, plus our purchasing commission of 15 cents per ton, or such additional commission as may be allowed by Government regulations during such period that the mining industry is under Government control. If at any time during the life of this contract, the Government regulations are removed, the coal shall then be invoiced to you at our price in effect at the date of shipment from the mines.

"Coal to be delivered as directed by the warden or super-

intendents of the various institutions with the understanding that the Hatfield Coal Company shall have the privilege of placing in storage for reserve supply in the spring and summer months as much coal as the storage facilities at the various plants will permit, minimum 20,000 tons.

“This contract is made subject to strikes, interruptions to transportation, accidents, car supply or other causes beyond our control. Under these conditions shipments or deliveries to be pro rated according to tonnage produced during such period.

“Terms of payment are essence of contract and non-compliance therewith give the seller the privilege of cancellation and waiver in any case shall not be construed as destroying this right.

“Measure or weights at point of shipment shall govern all settlements.

“To render this contract binding upon the Hatfield Coal Company it must be approved by an officer of said company and its acceptance by any other agent of the company is subject to such approval.

“Witness the hands of both parties hereto this the 26th day of November.

“THE HATFIELD COAL CO. THE STATE BOARD OF CONTROL,

(Sgd.) By J. H. Hatfield, (Sgd.) By Henry B. Hines,
“*Secretary and Treasurer.*” *Chairman.*”

302. They were to furnish you coal at the Government price, plus 15 cents per ton commission? Was that the price?

A. That is the price mentioned there.

303. But there is another price mentioned here for the other institutions that I am trying to get at.

A. The contracts for the Eastern State Hospital and the Reformatory at Frankfort are dated November 25, 1919; the price is \$2.70 per ton, f. o. b. mines; nut and slack \$2.60 per ton, f. o. b. mines; that was for those two institutions.

304. How long did that contract run, or how?

A. From December, 1919, to December, 1920.

305. When was that contract cancelled, and why?

A. Here's a letter signed by Mr. Hines which was addressed to the Attorney General regarding this contract:

“January 2, 1920.

“Hon. Chas. I. Dawson,

“Attorney General,

“Frankfort, Ky.

“Dear Sir: Herewith I enclose copy of contract bearing date November 26, 1919, between the Commonwealth of Kentucky, through the State Board of Control, of the one part, and the Hatfield Coal Company, of Covington, Kentucky, of the other part, for coal to be furnished to five of the charitable and correctional institutions under the control of the State Board of Control, for a period of twelve months from December 1, 1919. I also enclose copy of proposed bids for this coal, bearing date November 14, 1919, addressed to eleven different coal companies, including the Hatfield Coal Company.

“The board has requested me to submit the enclosed contract for your opinion whether or not the contract is valid and enforceable by the Hatfield Coal Company. You will note that no price is fixed by the contract except the Government price in effect at the time of shipment, f. o. b. cars, mines, plus the Hatfield Coal Company's purchasing commission of fifteen cents per ton, except that in the event the Government regulations should be removed during the life of the contract, the coal shall then be invoiced at the price of the coal company in effect at the date of shipment from the mines. No particular mines are named, and no freight rate is fixed. You will also note that the coal company is to have the option to furnish any one of the five grades of coal named in the contract.

"There was only one other bid than that of the Hatfield Coal Company, which was the bid of the John Hun Coal Company, which offered to furnish coal for the requirements of the board at only two of the five institutions named in the proposal, and that bid fixed \$2.70 per ton, f. o. b. mines, for run of mine coal, and \$2.60 per ton, f. o. b. mines, for nut and slack coal, with the provision that the freight rate from the mines should be \$1.60 per ton."

306. When you went into authority, was there an existing contract for coal?

A. May I just finish this, please?

307. Yes, sir.

"The terms of the contract are widely different from the terms named in the proposal for bids, and it seems only reasonable to assume that if the proposal for bids had embodied the terms embodied in the contract, that other bids might have been received. At the time proposals for bids were submitted there was a general strike of coal miners, as you will remember, and that probably is one reason why no other bids were received.

"Sub-section 15 of Section 217a of the Kentucky Statutes provides 'that when a purchase of supplies for the asylums exceeding \$1,000.00 is contemplated, the board shall, by advertisement, invite bids on furnishing said supplies, and accept the lowest and best bids to furnish same.'

"I do not find in the statutes a similar provision as to supplies for the penitentiaries or for the Houses of Reform.

"It is important that we should know as soon as possible whether or not the contract with the Hatfield Coal Company can be enforced by them, and we, therefore, request that you let us have your opinion at your earliest convenience.

"Very truly yours,

"Chairman, State Board of Control."

Here's an answer from Attorney General Dawson under date of January 7, 1920.

“Office of Attorney General, Frankfort, Ky.,

“January 7, 1920.

“Hon. Edward W. Hines,

“Chairman, State Board of Control,

“Frankfort, Kentucky.

“My Dear Sir: This office begs to acknowledge receipt of your letter of January 2nd, relative to a contract entered into on the 26th day of November, 1919, between the Commonwealth of Kentucky, through the State Board of Control, of the one part, and the Hatfield Coal Company, of Covington, Kentucky, of the other part, for coal to be furnished to the State Reformatory, Frankfort, Ky.; State Houses of Reform, Greendale, Ky.; Eastern State Hospital, Lexington, Ky.; Central State Hospital, Lakeland, Ky., and the Feeble-Minded Institute, Frankfort, Ky., for a period of twelve months beginning December 1, 1919; also a copy of the proposal for bids sent by the Board of Control to eleven different coal companies, including the Hatfield Coal Company, and also the bid or contract submitted to the board by the Hatfield Coal Company and accepted by the State Board of Control.

“The facts as stated by your letter and as shown by the contract are, that no price is fixed by the contract except the Government price in effect at the time of shipment, f. o. b. cars at the mine, plus a purchasing commission of fifteen cents per ton, and, in the event the Government regulations fixing the price of coal and commissions to be charged are removed during the life of the contract, the price to be charged is stipulated to be the price of the coal company in effect at the date of shipment from the mine. Your letter and the contract disclose also that no particular mines are named from which the coal is to be shipped, and no freight rate is fixed or guar-

anted. It also appears that the coal company alone is to have the option to furnish any one of five grades of coal named in the contract, viz.: lump, straight mine run, four-inch mine run, two-inch mine run, nut and slack. It also appears from your letter and from the contract that the Hatfield Coal Company is given the privilege of placing in storage for reserve supply during the spring and summer months as much coal as the storage facilities at the various plants will permit, with a minimum of twenty thousand tons fixed. It also appears that the company is privileged to reduce shipments or deliveries proportionate to the time lost by reason of strikes, interruptions of transportation, accidents, car supply, or other causes beyond the control of the coal company.

“With the facts existing as stated above, you request an opinion as to whether or not the contract is enforceable.

“Sub-section 15 of Section 217a of the Kentucky Statutes provides that when a purchase of supplies is to be made by the board for the asylums of the State, where the total purchase price exceeds one thousand dollars, the board shall, by advertisement, ask for bids on furnishing such supplies, and the lowest and best bid shall be accepted by the board. In view of this provision of the statute, and in further view of the statement contained in your letter that the only advertisement was in mailing of request for bids to eleven companies, this office is of opinion that the law was not complied with in this respect, so far as the coal embraced in the contract is intended for the asylums. This office does not believe that the mere mailing of request for bids to a small number of possible bidders is a compliance with the law which requires an advertisement for bids.

“The invitation for bids mailed to these eleven companies requested that the quotations made by bidders must be with the freight prepaid to destination. This bid submitted and accepted by the Hatfield Coal Company does not comply with this part of the request for bids, and, in view

of the fact that no freight rate is mentioned or guaranteed in the contract as made, it would seem that the board and the company made a contract at variance with the terms in the so-called advertisement.

“In addition to this criticism of the contract, the contract is indefinite as to the prices to be charged for coal—especially so if it should happen during the life of the contract that the Government removes all regulations as to the prices to be charged for coal.

“In the event of a suit on this contract, this office is of opinion that no measure of damages could be established, and for this reason we believe the entire contract is unenforceable.

“Trusting that this covers the question raised in your letter fully, I beg to remain,

“Very truly yours,

Signed) CHAS. I. DAWSON,

CID-B

“*Attorney General.*”

And here is Mr. Hines' acknowledgment of that letter under date of January 10, 1920:

“January 10, 1920.

“Hon. Chas. I. Dawson,

“Attorney General,

“Frankfort, Ky.

“Dear Sir: Please accept our thanks for your letter of January 7th, expressing your opinion as to the validity of the contract of November 26, 1919, with the Hatfield Coal Company. Your opinion is clear and direct, and we appreciate your prompt attention to our request for your consideration of this matter.

“Very truly yours,

“THE STATE BOARD OF CONTROL

“*Chairman.*”

308. Just briefly state——.

A. May I just say that the contract which was accepted fixed no price for the coal, and if the Government regulations were taken off, we had no price.

309. I understand that. When you went into office was there then an existing contract for coal?

A. I think before we went in, and after this contract was abrogated, I think bids were advertised for and a contract entered into for coal.

310. Do you know at what price?

A. I can find it. (Reading from record furnished by his secretary.) This record shows that a contract was made from January 14 to March 31, \$2.75 per ton, f. o. b. mines, two-inch nut and slack, for the Frankfort Reformatory. The Eastern Hospital had a sufficient supply on hand to last the winter. The Central State Hospital bought coal at a price with the commission mentioned in the Hatfield Coal Company contract. The Western Hospital bought coal at \$2.60, f. o. b. mines, and the Reform Schools and the Feeble-Minded Institute at the same price.

311. After March 31st what provision did you make for coal?

A. May I inquire into the records? Mr. Brewer says that we advertised for bids and received only one bid on the Greendale School and could get no contracts and bought it on the market.

312. When did you install those gas fixtures?

A. During the summer before this past one, I think.

313. How much did that cost, do you know?

A. No, I don't know.

314. To refresh your recollection, wasn't it something like three thousand dollars?

A. I don't know, but I can send it down to you.

By Mr. Steger: I can state that it was \$2,700.

315. How long do you use these fixtures each year?

A. About three months at two of the institutions.

316. Was it not a fact when you were making a comparison last evening between the cost of coal in 1920 and 1921 that the weather was much warmer in 1921?

A. I don't know.

317. Mr. Tachau, did you not pay, or did you not have knowledge that an account was paid for Mr. Byers and other members connected with the different institutions of the State Board of Charities and Corrections to attend a convention at Jacksonville, Fla.?

A. Yes, sir; the board authorized it.

318. Didn't the Governor advise you before that time that there was no authority of law to do so?

A. If he ever did I never heard of it.

319. I will ask you this, if on September 20, 1921, this order was not entered on record by the board:

"On motion, and duly seconded, Superintendent of Houses of Reform, Superintendent of State Reformatory, Warden of Penitentiary and Commissioner were authorized and directed to attend annual conference of the American Prison Association at Jacksonville, Florida, October 28 to November 3, 1921, necessary traveling expenses to be paid by the State."

A. I think that was the order.

320. I will ask you if previous to that time, and on September 1st, the Governor did not write a letter to you—nineteen days before this order—as follows:

"There is no provision in the State law to pay expenses of those representing Kentucky at this conference."

A. I never saw that letter.

321. Didn't your department inquire of the Governor if you could pay the expenses of these men to attend this conference and didn't he advise you nineteen days before you entered this order that you could not do it by law?

A. I never heard of such request or his answer to it.

322. Is it not a fact that Mr. Bastin made that inquiry to the Governor and that was the answer to Mr. Bastin?

A. Never heard of it.

323. Here is an account of \$428.04 paid by them, by the board for the expenses of Mr. H. V. Bastin, Mr. John B. Chilton, Major H. B. Hickman and Mr. Joseph P. Byers for a trip to Jacksonville, Fla., to attend a convention at that point. Is that correct and was it paid?

A. I don't remember the figures. The board authorized the payment of their expenses. May I say in connection with that that the board felt, and I think that the board would again feel that the information that the superintendents of these institutions get at these conferences repays the State many times more than the expense of it.

324. I understand that, but do you think, regardless of the opinion of the board, that they can go and spend money, regardless of law and over the Governor's advice, simply because they think it best?

A. I should say that if the auditor paid those warrants he should advise himself.

325. Isn't it a fact that the auditor didn't pay these warrants and would not and didn't you take that roundabout way of paying it through petty cash.

A. I don't know about that. I object to your way of putting the question.

326. You heard the testimony of Mr. Doyle, that that bill was paid through petty cash, all those bills, I mean, and came back to him after they were paid.

A. I can't tell you where it was paid, but the law is very broad on that subject, in which it tells us to make an investigation of the causes of crime and all those kinds of things. As President of the Welfare League of Louisville, which is a combination of all those charities in Louisville, every institution in that league—and there are some twenty-seven or twenty-eight, was authorized to send its superintendent to the na-

tional conference of charities at the expense of the institutions, because everybody engaged in social work feels that the information and the inspiration that they get at these meetings is worth many times more than it costs. And the board felt the same way about the Jacksonville convention. There they come in contact with all the big people in the various branches of its work and the board felt that it was worth more than that amount of money to the State.

About the letter: I take it—I don't know—that the board either knew or felt that it was within the law when they authorized that expenditure. We have good lawyers on our board—Judge Robert H. Winn, Judge Humphrey, and Mr. Hines before he died, and the board was pretty fully advised what the law was before it acted. In this particular case I don't know about the circumstances. You asked me about a letter saying it could not be done, from the Governor. That was apparently from the Governor to Mr. Bastin.

327. Do you not think that Governor Morrow who has had a success in his profession, being one time district attorney for Eastern Kentucky, and Governor, is a good lawyer?

A. I hope he is, but, as I said to you, the board never asked the Governor's opinion on it and didn't have the opinion. I am not trying to belittle his opinion.

328. Why should the board take the advice of the other members of the board rather than that of the Governor?

A. The advice we usually get is from the Attorney General.

329. Why didn't you submit that to him?

A. I don't know.

330. Why did you not send that account to the auditor?

A. I take it that each superintendent at each institution had to buy his own ticket and he bought it possibly out of petty cash—at each institution—not out of the board's petty cash. That petty cash is kept there to pay off people who resign or quit, for freight, incidentals, etc.

331. I appreciate the humanitarian spirit manifested by the board, and by all of you, but do you not think that if your idea was carried to the last analysis there would be no limit whatever to any idea that you thought was best on a humanitarian plan?

A. I should think that the board, within the law, is given charge of these institutions, and I want to say frankly to you, as we said last night, that we are looking to the cure of the patients in the institutions and do not merely recognize them as just inmates. We want to get that before you and before the people. I don't believe the board has exceeded its powers under the law in anything it has done.

332. When the auditor refused to pay this first account, to a layman like me—would it not strike you as peculiarly strange that any other account of that nature did not take this route but went by the way of petty cash?

A. I don't think so; not after the explanation made to you about each superintendent.

333. When the first account for five thousand dollars' worth of furniture, was refused by the auditor, why didn't the board take it up with the chief executive or the attorney general, and see whether or not the auditor was correct?

A. I made a statement last night that that bill was never presented to the auditor. I am still of the opinion that that bill was never presented to the auditor notwithstanding Mr. Doyle's testimony. That was paid out of a cash fund of some seven thousand dollars that was at the Reformatory.

When we bought the furniture for the superintendent at Greendale it did come through the auditor and he held it up for some time until he was advised by the attorney general that we were still within the law. To the best of my knowledge and belief, notwithstanding Mr. Doyle's testimony regarding the furnishing of the house in Frankfort, I do not believe that was ever presented to the auditor. He testified

that the bill for linens and that for silverware took the same course.

When we took charge here there were some seventy thousand dollars in the funds of the different institutions in the hands of local treasurers. So far as I know money was spent out of those funds for the needs of the local institutions, and so far as I know those accounts were never even audited by the auditor. We took this seventy thousand dollars, closed up our local treasuries, and every dollar that we get now comes through the auditor. We have petty cash accounts for small amounts to pay emergencies. These small payments are sent in to the auditor, audited by him and the petty cash reimbursed to make it remain the same amount. But every dollar that comes into these institutions for any purpose goes through the auditor and we have closed up all these local accounts and handle everything through the auditor; have no money at these institutions now except these small amounts for emergencies, as I said.

334. I have here the following:

“The following letter addressed to the heads of each department, August 9, 1921, to each institution by H. E. James, State Inspector and Examiner, was presented to the board: ‘I am directed by the Governor to request you to make up and mail to this department at your earliest convenience the name, position, salary per month and political affiliation of all officers and employes carried on your payroll July 31, 1921.’ The board expressed its disapproval of the action of the State Inspector and Examiner in making request, or giving directions to the superintendents of the State institutions, and arranged a conference with the Governor to discuss the above quoted letter.”

Again, August 17, 1921. “Conference held and Governor wrote the following letter, in full explanation of a letter sent to the heads of the various penal and charitable institutions by State Inspector James: ‘The political affiliation of

the various employes of these institutions is requested without any motive whatever, so far as politics is concerned. It is made only in order that I may know, and the board may know, fully as to the bi-partisan character of the several institutions, and in order that politics shall not in any way control in the conduct of the institutions. No employe has a right to consider that this request is made in any other spirit than that above indicated.' "

Again I find this: "September 20, 1921. Upon motion duly seconded, it was ordered that the commission direct the superintendents of all institutions that whenever a request is made for information directly upon them by the State Inspector and Examiner, that their replies be sent to the office of the board for transmission by the Commissioner to the State Inspector and Examiner."

Isn't that in your mind quite an assumption of authority when he, by request of the Governor of the State, calls for certain information and your board said that you expressed your disapproval of the Governor of Kentucky asking those questions?

A. May I answer that fully?

335. Oh, yes, fully.

A. The request of Mr. James, saying that he had been authorized by the Governor to go over the heads of the board to the superintendents, as a man appointed by a certain political party, to request the superintendents to give the political affiliations of each employe of the institution, just upset those institutions and created in the minds of those people that their party affiliation was to determine their employment. We went to the Governor with it and he said it was never the intention that these letters should be mailed out to the superintendents by Mr. James; that it was never the intention that he should go over the head of the board. We instructed such superintendents as had not made their report to the State Inspector to send them through the office and the board

would transmit it, and I think we were perfectly right in doing it. We were put on this board as a non-partisan, non-political board. The superintendents were instructed to employ their men regardless of party affiliation, and the opening up of this matter by the State Inspector, the appointee of one of the political parties, caused trouble and caused them to think maybe they would lose their job. The Governor was in full sympathy with this. Certain people had come to him and said: "They are keeping too many Democrats or too many Republicans." It had been generally understood that the board and that the superintendents thought it didn't make any difference to the board what a man's politics was since he was delivering the goods to the board; that since he gave service he would keep his job. So this letter created unrest. The Governor said he did not want to go over our heads, and he wrote this letter to the board, which the board sent to the institutions so that they could understand that they were not in danger of losing their job because they were Democrats or Republicans. Through the board he got the information.

It was also understood that we were to try to keep the balance between Democrats and Republicans as near fifty-fifty as possible. Where vacancies occurred the preference was to be given to the number in the minority in the institutions. The replies that we got to these inquiries are as follows: Out of 744 employes of the board, 308 were Republicans, 350 were Democrats and 86 were independents and prohibitionists. Now you gentlemen can see very well, as we all saw, that it was stirring up an unrest in the institutions to ask these institutions to furnish this information.

336. Isn't the State Inspector for the purpose of carrying out the wishes of the Chief Executive of the State, and didn't Mr. James in that letter as courteously as possible tell you that he was directed by the Governor?

A. He didn't tell us. He told the superintendents of the

institutions. If he had come to us and said, "The Governor is requesting this," we would have cheerfully given it.

337. But didn't the Governor tell him to do it and hasn't the Governor of the State of Kentucky almost as much authority as the State Board of Charities and Corrections?

A. I don't know whether he has or not in the control of these institutions. The board is going to continue to keep these institutions out of control of politics. The Governor told us that it was never his intention that the Examiner should ever go over the board's head. We would gladly have furnished him this information directly if he had come to us for it. The board is responsible for the conduct of its institutions.

338. Here's the Governor's letter after that conference:

"In full explanation of a letter sent to the heads of the various penal and charitable institutions by State Inspector James, the political affiliation of the various employes of these institutions is requested without any motive whatever, so far as politics is concerned. It is made only in order that I may know, and the board may know, fully as to the bi-partisan character of the several institutions, and in order that politics shall not in any way control in the conduct of the institutions. No employe has a right to consider that this request is made in any other spirit than that above indicated."

In that does he say that he wants you to get it your way?

A. He was perfectly agreeable to that and was fully cognisant of everything we did in the matter and it met with his full approval.

339. Your position was that the Governor should not have taken any action until he had consulted with the board?

A. No, sir; I explained to him what had been done. He said he had never expected Mr. James to go over our heads and write to the superintendents; that he should have come to the board and asked for that information. I am not responsible for what Mr. James puts in his letters. The Gov-

ernor wrote that letter to set at rest this unrest in these institutions.

340. If the Governor had assured you that he would not go over your head and would bow to you, why did you enter this order?

"September 20, 1921. Upon motion duly seconded, it was ordered that the commissioner direct the superintendents of all institutions that whenever a request is made for information directly upon them, by the State Inspector and Examiner, that their replies be sent to the office of the board for transmission by the commissioner to the State Inspector and Examiner."

A. Because the Governor fully agreed that the inspector should not have gone over our heads.

341. Why put this on there, then?

A. Didn't want any political appointees to be creating unrest in the institutions over which we had control and which are one hundred per cent out of politics.

342. Why did you say State Inspector and Examiner when the request was made by the Governor?

A. The letter was signed by him, and the Governor told us and agreed that, as I have repeated twice, it was never his intention that these letters should go direct to the superintendents but to the board.

343. When you get any help, do you ask them their political affiliations?

A. It never had been done before.

344. You said you were trying to keep it balanced. How do you do that without asking them their political affiliations?

A. It was after this question came up. The question came up and was discussed in the board as to whether or not we ought not to have a registration in the board giving a man's full description, party affiliation, etc., for our own benefit. The board decided it was not well to ask the men their party affiliations. When this question came again, then the super-

intendents were told, do not discharge any employe you have who is giving his services to the institutions, but hereafter try to keep a fifty-fifty balance in employing new people.

345. Has the board anything to do with employing these employes?

A. Nothing under the law, but can suggest a policy.

346. What effect will that have if the superintendent does not carry out the policy?

A. Can remove him on twenty-four hours' notice, or less, if necessary.

347. "January 24, 1921. On motion duly seconded it is ordered that premiums on bonds of receivers for each institution be paid by the board and the receivers of the several institutions be reimbursed for premiums paid on bonds."

Do you think that your board has a right to pay these premiums when the law does not authorize it?

A. We thought so.

348. Ever submit it to the Attorney General?

A. No, but we have lawyers on the board.

349. Do you not think then that the members individually of the board would be found responsible if the matter was brought to an issue?

A. I presume we would if it was found contrary to law, and I guess we stand ready to pay them, if so found.

350. Mr. Tachau, I don't say this in a spirit of criticism, but isn't it a custom of the board whenever they wanted to inaugurate a policy to just go ahead and do it?

A. I think the board has been fully advised not only by its attorneys but where it was in doubt by the Attorney General as to what its rights were under the law.

351. About the Florida trip; you were not advised about that, were you?

A. We were not.

352. You didn't consult the Attorney General?

A. You keep referring to the board being advised

when you told me the information you got was contained in a letter addressed to Mr. Bastin. That was not a board letter and we were not advised.

353. Do you order payment of things without warrants for them?

A. We order payment of nothing without authority.

354. Supposing they were going to have a criminal congress in England. Would you send a man over there without consulting the law?

A. I don't think that would happen.

355. But you sent a man to Florida, outside of the State.

A. The board felt that we had the authority and the lawyers on the board felt we had the authority; otherwise we would not have done so.

356. Did you inquire whether or not such expenses had been paid before?

A. No, sir; we did not. May I——

357. Any statement you want to make is perfectly all right.

A. I want to make a request. You were asking in particular last night about the contract on this farm. May I just introduce one witness who will tell you briefly about that? It is Mr. Henry Barrett, a member of the board.

358. Certainly. Bring him on.

At this point, at the request of Mr. Tachau, Mr. Henry P. Barrett, of Henderson, Kentucky, a member of the board, was introduced for the purpose of examination.

Evidence of Mr. Barrett: I suppose that I was as much responsible for that contract as any member of the board, possibly more so. It is true that I have never been on that particular piece of ground. I have frequently stood on the steps at the Penitentiary at Eddyville and looked over it and with very envious eyes.

I made a great many inquiries about it from residents of that particular locality. I thought I knew something of the

character of the ground. The front part of it, I presume, is decidedly the best of it. It is level river bottom land and has been producing good crops.

1. How much river bottom land?

A. Something in the neighborhood of four hundred acres.

2. About how much untillable?

A. Quite a little bit on the back of it; possibly as much more. I want to say that I am prepared to find the back of that land characteristic land that you find between rivers, which hasn't the reputation of being the most fertile land in the world, but, on the contrary, very poor.

This is my thought in the matter: We had been renting lands down there, first five dollars an acre and up to twelve, and my information was that they were demanding in some instances twice that much, or substantially that. There is a very limited amount of good arable land available. It occurred to me that if we could break into the little bull movement of renting lands there we would have done a very good service to the State, instead of paying twelve dollars and twenty dollars an acre and having to take certain lands. I have no particular criticism of the men getting all they could out of it; that was their job. Our job was to stop it. We rented it at my suggestion and my recommendation. This eleven hundred acres of land was rented for twenty-five hundred dollars, a matter of less than two dollars an a half an acre. I think if you will investigate the matter you will find that there was a bug under the chip.

Besides that there was another determining cause; we had some three or four hundred prisoners at Eddyville. A certain number of them were not suitable for contract work and could be worked profitably on farms. It has been estimated that it costs probably in excess of fifty cents a day to furnish those contractors their housing facilities, their heating, their lights, their power, those items. We are getting say an average of seventy-five cents, that labor was netting us say

twenty-five cents. Against that twenty-five cents we had to house them, clothe them, guard them, feed them and take other care of them, and if we could put labor on that farm at a cost to us not exceeding twenty-five cents an acre, it seemed to me good business to do it. I don't particularly advocate putting that in corn or putting it in any of the usual farm crops, because we have abundance of very cheap labor and by intensive farming we can get very much larger results. For instance, at Hopkinsville we have thirty acres of strawberries. We put that in not as a money-making proposition but as good, wholesome, curative work for those poor unfortunates, such of them who are able to do that work to the best advantage. Incidentally, if we can get two, three, or four, or five hundred dollars out of that, it is that much better.

At Eddyville our thought was to make that a point of supply for the other institutions. We could raise tomatoes and can them; corn, and beans, and dehydrate them and such other things that would be good economy.

I think in doing this we have gotten very cheap land that we are exactly qualified to take care of. It is as valuable to us now as it would be to you or me if we had unlimited hands to work at twenty or twenty-five cents a day, and we also broke up the renting pool. I believe you would have done the same thing.

3. I believe you were in business at Kuttawa were you not?

A. No, sir; never in business in Lyon County. On one occasion, to be technically accurate, I bought a house of tobacco from a firm who were at Kuttawa; bought in after the tobacco was put up.

4. Did you make that contract?

A. I did not.

5. Did you know that the rent was to be paid in advance?

A. I am not perfectly positive about that. Under our

authorization Mr. Tachau was to complete the lease at not exceeding three thousand dollars.

There is another matter that I would be very glad to tell you about. I told Mr. Tachau to get an option. He said, "What option?" I said, "Any option you can get on the best terms you can get that costs you nothing." I would be very glad to get that sort of an option on the Illinois Central Railroad, the State Capitol, or Union County. If anything happens we have no obligations but have privileges.

6. Then this option in there was gotten by Mr. Tachau at your suggestion?

A. Not entirely by my suggestion. Yes, it was my suggestion and advice.

7. Was the contract ever presented to you after it was drawn? Ever see it before you saw it here last evening?

A. Not the physical contract itself.

8. But the contract itself was never presented to you?

A. No, sir.

9. Anything said in your conversation with Mr. Tachau, authorizing him to pay the rent in advance, or any stipulation as to how the rent should be paid?

A. Not to my knowledge. The authorization was not to exceed three thousand dollars. I wish very much we had another one for the Frankfort Penitentiary just like that.

10. Mr. Barrett, if there is no objection upon your part I would like to ask you about a matter not connected with the farm. Please explain to me what was the idea of the board in paying accounts in advance; for instance, paying this consulting engineer in advance? Why did they pay Mr. Hubley in advance? Do you think that is strictly in compliance with the law?

A. That contract was primarily made, as I remember it, with Mr. Fred M. Sackett, who, as I understand, uses Mr. Hubley in his institutions, and I think it is done on the same lines as his contracts.

11. Is that the custom as business men to pay people in advance?

A. Not invariably.

12. Under the order of the board to segregate and place at Eddyville the worst criminals and incorrigibles, don't you think that it would be almost impossible to use that land in view of the fact that you had that character of people there in that institution?

A. I raised the same point at a board meeting. It was not intended to use the incorrigibles on the farm. But there is a certain type there than can be used to advantage on the farm. The incorrigibles are not to be allowed outside the walls under any circumstances, and it was never contemplated that they would be used on the farm.

13. What was the idea of the board in placing the incorrigibles at Eddyville rather than keeping them here in Frankfort?

A. Well, it is very much the best institution there for that class of men; the safer institution.

15. Were you not prompted to do this on account of the unprecedented number of escapes up here and the fact that you had better guards and managing officers at Eddyville?

A. The escapes no doubt had its influence.

16. Did you not send Mr. Joseph Wendling there after he had wandered the streets of Frankfort?

A. He was sent, I believe. I have no personal acquaintance with him.

17. He used to be at one time in the band, was he not?

A. I understood he was.

We have had a great many of our best citizens in the Eddyville penitentiary.

As for the farm contract I may add, if you will permit me, that I think it is a bully crack contract.

No further evidence was taken at this time and the in-

vestigation was adjourned until Monday morning, February 13, 1922, at 10 o'clock, at the same place.

Monday, February 13, 1922, 10 a. m., Senate Chamber.

There not being a quorum of the members of the investigating committee present, it was agreed by the members of the investigating committee who were present and by the members of the State Board of Charities and Corrections that the investigation should proceed and that all objections to the lack of a quorum should be waived by both sides.

Mr. Tachau recalled:

359. Mr. Tachau, I have before me here a statement of the salaries and office expenses of the Board of Control for November, 1919, which was the last full month of the control of the old Board of Control—\$1,975; and the salaries for the State Board of Charities and Corrections for December, 1921, \$2,946.66, making an increase in office expenses of \$971.66. Tell, in your judgment, whether or not you think that is about correct?

A. I can refer to the record and tell you for sure.

360. I have here a statement of the expenses of the Reformatory for December, 1919, amounting to \$6,476.66 under the Board of Control, and for the same month in 1921, under the Board of Charities and Corrections it was \$7,864.40, an increase in payroll of \$1,387.74. Do you know whether or not that is correct?

A. I don't. I prefer in those cases to file statements showing just what they are. I am not a bookkeeper and don't keep these accounts in my head.

361. Mr. Tachau, you testified here the other day about your coal account. I have here a statement of the expenses of the institutions for gas after that was installed, I think in August, 1920. Are you familiar with those accounts?

A. I gave you those statements from Mr. Hubley's report.

362. You didn't give the gas bill

A. No.

363. It runs from \$2,987.52 in September to as high as \$4,000.00 at the Reformatory.

A. I accepted Mr. Steger's figures.

By Mr. Steger: That was for installation of machinery.

374. Mr. Tachau, do you have any objection to making Mr. James' report a part of this record?

A. None at all.

The stenographer was then directed by Mr. Drury to make the report of the State Inspector and Examiner on the financial condition, management and conduct of the Board of Charities and Corrections from July 1, 1920, to June 30, 1921, a part of this record. Same is in words and figures as follows, to-wit:

Frankfort, Ky.,
November 28, 1921.

Hon. Edwin P. Morrow,
Governor of Kentucky,
Frankfort, Kentucky.

Dear Sir: I beg to file herewith my report upon an investigation of the financial condition, management and conduct of the Board of Charities and Corrections.

The investigation was made in person and by Mr. R. E. Keown, my assistant Examiner, and covers the period from July 1, 1920, to June 30, 1921.

HISTORY

The Legislature in 1920 passed a law entitled, "An Act to create a State Board of Charities and Corrections for the management and supervision of the benevolent, charitable, eleemosynary, correctional and penal institutions of this State; to vest in said board ample powers, including all the powers now vested by law in the State Board of Control and the managers of the House of Reform for Girls and appro-

priating funds for the maintenance of the State Board of Charities and Corrections.”

The law provides that the Board of Charities and Corrections be composed of eight members, all of whom shall be residents of Kentucky, and not less than thirty years of age, and two of whom shall be women, the members of the board to be appointed by the Governor by and with the consent of the Senate, two for a period of one year, two for a period of two years, two for a period of three years and two for a period of four years from date of appointment, unless sooner removed for cause, and thereafter all appointments, except to fill vacancies caused by death, resignation or removal, shall be for the full term of four years. No more than four members of the board shall be of the same political party. The members of said board serve without compensation, but their actual and necessary expense while in discharge of their official duties shall be paid.

The board is vested with authority to and shall, except as otherwise provided, exercise all the duties now vested by law in the State Board of Control and the Board of Managers of the House of Reform for Girls.

The Board of Control and Board of Managers of the House of Reform for Girls were abolished and the term of office of the members of same declared terminated.

The institutions placed under the control of the State Board of Charities and Corrections are as follows, viz.:

State Reformatory at Frankfort, Ky.

State Penitentiary at Eddyville, Ky.

House of Reform, Greendale, Ky.

Eastern State Hospital, Lexington, Ky.

Central State Hospital, Lakeland, Ky.

Western State Hospital, Hopkinsville, Ky.

Feeble-Minded Institute, Frankfort, Ky.

House of Reform for Girls, Shelby County, Ky.

The law provides that each member of the board shall execute bond to the Commonwealth of Kentucky in the sum of ten thousand dollars, same to be approved by the Governor and filed in the office of the Secretary of State.

The board shall be provided with suitable offices at the capitol, which offices shall at all times during office hours be in charge of some responsible official.

The law provides that the board shall appoint as its principal agent a person to be known as the Commissioner of Public Institutions and shall fix his compensation. Said Commissioner shall have charge, subject to the supervision and control of the board, of the institutions of the State which are under the jurisdiction of the board.

The board shall appoint, upon recommendation of the Commissioner of Public Institutions, a superintendent for each of the institutions under its control and fix their compensation.

The law provides that the board shall make rules and regulations for the strictly non-partisan management of the institutions under its control, and provides penalties for the violation of the provision of the act relative to political activity of any member or employe of the board.

There was appropriated to the Board of Charities and Corrections the sum of thirty thousand (\$30,000.00) dollars annually, or so much thereof as may be necessary to maintain

its offices, pay the expense of its members and salaries of the Commissioner of Public Institutions; the secretary of the board, and stenographers and clerical assistants in its office and such other expense as may properly be incident to the performance of its duties and which are not otherwise provided for.

An emergency was declared to exist and the law was approved and went into effect March 9, 1920.

The Legislature in 1920 appropriated \$1,996,688.00 annually for the purpose of paying the salaries, clerical hire, traveling expenses, printing, stamps and necessary supplies for the Board of Charities and Corrections, and the cost of operation, maintenance, improvements, repairs and all operating expenses for the fiscal years ending June 30, 1921-1922, of the eight penal and charitable institutions under the control of the State Board of Charities and Corrections.

BOARD MEMBERS

The members of the State Board of Charities and Corrections at present are as follows, viz.:

E. S. Tachau, Chairman.....	Louisville, Ky.
Fred M. Sackett, Member.....	Louisville, Ky.
A. P. Humphrey, Member.....	Louisville, Ky.
Samuel H. Halley, Member.....	Lexington, Ky.
Henry P. Barrett, Member.....	Henderson, Ky.
Robert H. Winn, Member.....	Mt. Sterling, Ky.
Mrs. Lafon Riker, Member.....	Lexington, Ky.
Miss Lucy Blythe Simms, Member.....	Paris, Ky.
Joseph P. Byers, Commissioner.....	Frankfort, Ky.

EXPENDITURES.

The following table will show the classification of expenditures charged to the Board of Charities and Corrections office account for the fiscal year ending June 30, 1921.

Classification of Expenditures—July 1, 1920, to June 30, 1921.

1920	Salaries and Wages	Telephone and Telegraph	Postage, Freight, etc.	Traveling Expense	Insurance	Office Supplies	Printing	Miscel- laneous	Total
July	\$1,251.67	\$28.95		\$242.15					\$1,522.77
Aug.	1,326.67	60.22		482.00	\$920.70	\$455.88	Chgd. in	56.51	3,301.98
Sept.	1,176.67	63.93		422.61		350.58		15.70	2,029.49
Oct.	1,135.00	41.27	\$50.00	412.48		18.15	office	1,537.72	3,194.62
Nov.	1,000.00	58.84	50.00	627.16	72,376.53	106.13	supplies		74,218.66
Dec.	1,101.96	115.41	10.00	464.33	640.17	349.88		646.98	3,329.23
1921									
Jan.	1,250.00	53.87	100.00	273.60	198.14	95.33		22.29	1,998.23
Feb.	1,375.00	33.56		169.52		909.10		.44	2,487.62
Mar.	1,877.78	46.00	100.00	218.32	180.00	156.51		4.34	2,533.00
Apr.	1,558.33	45.65	100.00	52.92	53.75	53.50		7.78	1,871.93
May	1,616.66	32.32	2.46	1,056.17		134.19			2,841.80
June	1,616.66					44.68			1,661.34
	\$16,286.40	\$580.02	\$412.46	\$4,426.76	\$74,369.29	\$2,673.93		\$2,291.81	\$101,040.67

Under the head of Telephone and Telegraph it will be noted that for the month of December, 1920, there was expended \$115.41. A telephone should never be used when a two cent stamp would serve the same purpose.

It will be observed that in the \$101,040.67 the item for insurance amounts to \$74,369.29. This is for insurance on the various institutions under the control of the board and for premiums on bonds of members and employes. The examiner is of the opinion that the insurance on the buildings should not have been charged to the office account but should have been *apportioned* to the various institutions. When the item of \$74,369.29 is taken from the total in the above table, it leaves \$26,671.38 that is properly charged to the \$30,000.00 appropriation for the board's office account, but to this should be added the insurance for premiums on employes' bonds which has not been kept separate from premiums on buildings.

COMMENTS—TRAVELING EXPENSES

The Commissioner of Public Institutions, members of the Board, parole or employment agents and other employes are allowed traveling expenses when out on official duties.

We find some, apparently, useless and extravagant items in some of the expense accounts. For instance, we find in one expense account of Joseph P. Byers, Commissioner of Public Institutions, items amounting to \$31.50 for an automobile trip from Lexington to Cincinnati. This account shows that on July 2, 1920, he paid the Lexington Omnibus Company \$20.00 for an automobile from Lexington to what he terms "breakdown." Receipt for the \$20.00 is filed. He next has an item for auto service from "breakdown" to Walton, \$6.50. No receipt is filed for this and the account does not show to whom it was paid. The next item is \$5.00 for auto service from Walton to Cincinnati car line. Receipt is filed for this item, the receipt being signed by Phoenix Garage Company, but does not state where it is located. The three items make it cost the State \$31.50 to get from Lexington to Cincinnati. The railroad fare from Lexington to Cincinnati is \$3.15 (war tax off). This trip by automobile cost the State \$28.35 more than it would have cost to go by rail.

With the number of trains that leave Lexington daily for Cincinnati over two roads the Examiner can see no excuse for such extravagance as this, the only excuse given being that the train had changed time.

In many instances I find chair car and Pullman fares have been paid on comparatively short trips. The Examiner has never raised any question about elective officers using chair or Pullman cars, but it seems to him that for the average State employe, who would not pay these extra prices were he riding on his own expense, to spend the State's money for chair or Pullman cars in the daytime on short trips is an unnecessary expense that should not be allowed.

We notice also in many instances where taxi fees are paid in cities and towns where street cars are very regular and convenient.

Later, and on September 10th of this year, our attention has been called to an item in Mr. Byers' expense account, which reads as follows: "Louisville with Warden Chilton. Car broke down at Shelbyville. Taxi, Shelbyville to Louisville and return, \$13.50." Evidently the trip was being made in State's car, which broke down. We can hardly imagine such an emergency as would justify hiring an automobile for \$13.50 when interurban cars run every hour and the round-trip would not have cost but \$1.86, making a net saving of \$11.64.

EMPLOYMENT OF PAROLE AGENTS

We find at present there are four parole or employment agents, three men and one woman, on the payroll at a salary of \$150.00 per month each and traveling expenses. Until July 1, 1921, the salary and traveling expenses of a part of these people was charged to the different institutions. It is the duty of these people to look after the paroled inmates of the various institutions in the way of securing homes and employment for them and to look after their general welfare.

The State is divided into three districts and the three

male parole agents cover these districts, while the female agent covers the entire State duplicating the work of the male agents. The excuse for this duplication is that a man can't look after the paroled females.

In addition to the four parole or employment agents, there are two women employed to look after and investigate the condition of the idiots of the State whose committees are drawing \$75.00 per year from the State for their support.

If it is deemed absolutely impossible for a male agent to look after a female parole, the women field agents that look after the idiots and the woman that looks after the paroled females should be one and the same and thereby eliminate two salaries and expenses.

It is unreasonable to say that when an agent reaches a town or county that they can't look after both idiots and female parole while there.

Agents and clerks for parole and idiots are as follows:

	Per month.
L. S. Harvin	\$150.00
J. R. Doran	150.00
G. L. Heickon	150.00
Letitia Van DePaw	150.00
Miss Rieves	150.00
Miss Samuels	125.00
Helen Hill	150.00
	\$1,025.00
Traveling expenses of six persons estimated	
at \$100.00 each	600.00
	\$1,625.00

It will, therefore, be observed that it costs the State, as the arrangements now are, about \$1,625.00 per month, or about \$19,500.00 per year to look after discharged convicts, paroles and idiots.

We find that Mr. J. R. Doran, who lives at Flemingsburg, made four trips to his home in August, 1920, and spent twelve full days there, not counting the days on which he arrived or left home. His traveling expenses for that month were \$145.23. During the month of September, 1920, his expense account showed that he made five trips to Flemingsburg, spent ten full days there that month, not counting the days on which he arrived or left home.. For that month his traveling expense was \$163.60.

Mr. R. N. Keys, who was then employment agent and lived at Almo, Kentucky, spent twenty full days at home in July, 1920. His expense account for that month was \$59.83. He spent nine full days at Almo in August, 1920, not counting days on which he arrived or left home. His expense account for that month was \$106.23. In September, 1920, he spent eleven days at Almo, not counting days on which he arrived or left home. That month his expense account was \$110.78.

APPRAISAL OF PROPERTY

In October, 1920, there was paid to D. X. Murphy & Bros., architects, of Louisville, \$1,070.79, for valuing the buildings at the various charitable and penal institutions. This valuation report covers 8½ pages of typewritten matter. To the Examiner this seems to be a useless expenditure of public money for the reason that insurance companies make their own valuation and write such amounts as they deem proper.

PURCHASING OF SUPPLIES

While the men and women who compose the Board of Charities and Corrections are persons of rare intelligence and experts in their various professions and lines of business, still there is not one of them (as I have been informed) that has had practical experience in general merchandising and,

therefore, does not possess the technical qualifications of applying price and quality to the many items purchased.

The Examiner does not believe that any very large corporation or business firm would permit such a lax and dangerous buying policy. If an experienced buyer saved but a small percentage it would amount to many thousands of dollars per year and at the same time bring to the Governor and board the satisfaction of knowing that the proper and best prices had been obtained.

It is self evident that the Board of Charities and Corrections have not the time nor the experience to give to this important branch of the State's service. Therefore, the Examiner is decidedly of the opinion that there should be procured a general buyer not only for the Board of Charities and Corrections but for all other institutions and departments, and it is hereby recommended and insisted that you at the earliest possible time give this important matter your earnest consideration.

OFFICE FORCE
Salaries—Monthly.

July, 1920		Oct. 1921
\$350.00	J. P. Byers, Commissioner	\$416.67
200.00	B. T. Brewer, Secretary	250.00
166.67	Geo. B. Caywood, Auditing Secretary	
150.00	Ray Blackburn, Bookkeeper	
125.00	Annie Samuels, Parole Clerk	125.00
125.00	Virginia Saunders, Stenographer	125.00
60.00	S. N. Woolridge, Porter	65.00
125.00	J. R. Doran, Parole Officer	150.00
125.00	R. M. Keyes, Parole Officer	
	W. P. Clemmons, Estimate Clerk	200.00
	A. Lee Lynch, Bookkeeper	150.00
	H. E. Nelson, Asst. Bookkeeper	125.00
	J. L. Reinhardt, Temporary Bookkeeper	150.00

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Russell Caldwell, Temporary Entry Clerk	75.00
Victor Gretter, Temporary Entry Clerk...	60.00
L. S. Harvin, Parole Officer	150.00
Gus L. Heicken, Parole Officer	150.00
Mrs. L. V. DePaw, Parole Officer	150.00
Helen T. Reeves, Field Agent	150.00
Helen F. Hill, Field Agent (Oct. 7-31 at \$150.00)	120.00
Anne McAdams, Dietitian	150.00
Mary B. Todd, Stenographer	60.00

\$1,426.67

\$2,821.67

It will be noted from the above list that the number of the office force and field agents has increased from nine in July, 1920, to nineteen in October, 1921. The monthly salaries increased during the same period from \$1,426.67 to \$2,821.67, or a net monthly gain or \$1,395.00, or an annual gain of \$16,740.00.

In addition to the regular office force above named there was paid to the accounting firm of Escott and Barnett an additional sum of \$5,484.22 for installing bookkeeping system in main office and transferring accounts from institutions.

It will also be observed that Mr. Byers' salary was increased from \$4,200.00 to \$5,000.00 per year. This salary, when traveling expenses are added, makes an amount equal, almost, to the salary of the Governor.

CONSULTING ENGINEER

Geo. W. Hubley is employed as Consulting Engineer at a salary of \$1,800.00 per year and expenses to inspect and direct operations of the various power plants. His salary is paid quarterly in advance. I know of no law that justifies the payment of salaries in advance.

FEEBLE-MINDED COLORED CHILDREN

It is a lamentable fact that suitable quarters have not been provided at the Feeble-Minded Institute for the care and teaching of colored children. The colored insane, the deaf and dumb and the blind have been very nicely provided for and are being reasonably well cared for. We boast of improvements and betterments in all of our charitable and penal institutions, but we are sadly neglecting this class of unfortunate children in this institution.

STEWARDS AND RECEIVERS

Since the buying of supplies has been taken over by the board the Examiner sees no use whatever for stewards at the Eastern and Western Hospitals. At the Central Hospital they have not had a steward for some time and we are told that the sixty-dollar per month overseer is performing the service just as well. If the same course is pursued at Lexington and Hopkinsville institutions the State will save \$1,800.00 per year cash, as well as living expenses of stewards and families. The Examiner is earnestly protesting, as unnecessary and useless, the position of assistant receiver for any of the institutions.

BOOKKEEPING

More than a year ago the Examiner recommended that the bookkeeping of the several institutions be centralized and put under competent and practical men in the office of the Board of Charities and Corrections at Frankfort. The Examiner is more than pleased to say that this suggestion has been followed. The system adopted is most thorough and complete. It is but little trouble to secure such figures as might be needed for any purpose. The work is well done and in competent hands. The room that is now being used is inadequate in every particular. There is not half enough room for desks and filing cases. A larger room should be

secured *at once* and the proper kind of desks and other equipment provided.

WHERE THE MONEY WAS SPENT AND FOR WHAT

For many years prior to the legislative session of 1918 the penal and charitable institutions were on a per capita basis of \$155.00. At the 1918 session the needs of the institutions had become so serious by reason of war prices that the per capita was raised to \$195.00 and at which rate it remained until July 1, 1920. When the Legislature met in January, 1920, the deficit of all the institutions was about \$207,000.00, which amount was taken care of by special appropriation at the said 1920 session. However, the Legislature did not provide for the probable deficit that would accrue between January 1 and July 1 when the Budget Appropriation went into effect. As a result the deficit for the said six months amounting to \$33,000.00 necessarily had to be taken care of out of the Budget Appropriation for the first year ending June 30, 1921.

The Budget Appropriation went into effect July 1, 1920, carrying a sum of money amounting to \$1,996,668.00. Add to this sundry credits from the various institutions amounting to \$116,551.06 and you have a total income for the fiscal year ending June 30, 1921, amounting to \$2,113,239.06 with which to procure the upkeep and maintenance of the seven institutions and the main office of the Board of Charities and Corrections. This money was spent at the various institutions in the following sums:

State Board of Charities and Corrections	\$101,040.67
Feeble-Minded Institute	166,226.06
Eastern State Hospital	310,028.76
Central State Hospital	421,616.67
Western State Hospital	334,697.34
State Reform School for Girls	10,316.49
State Reform School for Boys	207,025.04

State Reformatory	427,177.39
State Penitentiary	136,042.76
	\$2,114,171.18
Deficit	\$932.12

PER CAPITA COMPARISON

The following comparison serves to show the per capita cost of maintaining the institutions for the years ending June 30, 1919, and June 30, 1921:

	June 30, 1919	June 30, 1921
Feeble-Minded Institute	\$195.00	\$398.62
Eastern State Hospital	195.00	223.52
Central State Hospital	195.00	252.16
Western State Hospital	195.00	244.48
House of Reform	195.00	478.12
State Reformatory	195.00	404.90
State Penitentiary	195.00	333.43

In this connection it is proper and fair to say on January 1, 1920, the deficit of the four charitable institutions, viz.: Eastern, Central and Western State Hospitals and the Feeble-Minded Institute had a deficit of \$207,000.00, which was paid by special appropriation. From January to June 30, 1920, the deficit of the same institutions was \$33,000.00, which had to be paid out of the 1921 budget.

The Board of Charities and Corrections has full and complete control of the finances that are spent at each of the institutions; they approve or reject requisitions from superintendents and wardens as they see fit. Therefore, the superintendents and wardens have absolutely no control over what is spent at their institutions, or what it is spent for. Under this state of case the Examiner does not believe it fair or just to criticize them for things that are not done and over which they have no control. It has come under the Examiner's notice at more institutions than one that matters that

seemed to him should have been handled by the superintendent or warden were handled by requisition on the board and much time lost on getting replies.

At the various State institutions there was spent for all purposes during the fiscal year ending June 30, 1921, the sum of \$2,114,171.18, which was distributed as follows:

EASTERN STATE HOSPITAL, LEXINGTON, KENTUCKY

Personal Service:

Salaries	\$15,044.10
Wages	66,765.06
	\$81,809.16
Food	105,491.93
Clothing, bedding, dry goods, etc.	28,129.96
Coal	21,881.24
Water	3,831.52
Oils and grease	1,064.07
Miscellaneous	12,646.95
Telephone and telegraph	379.73
Postage	116.48
Freight and express	494.04
Office and printing	347.45
Household, kitchen and dining rooms ..	3,575.96
Laundry soap, etc.	3,490.19
Farm, garden and dairy	9,916.08
Florist, cobbler, machinist, carpenter, blacksmith, painter, etc.	11,181.53
Motor vehicles	1,095.75
Medical, surgical and medicines	1,805.88
Miscellaneous	8,154.91
Traveling expense	12.27
Board refunded	658.13
Engineer, plumber and laundryman	3,860.19
Farm, garden, live stock and machinery ..	6,198.52

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Household, kitchen and dining room	200.00
Office and library	32.79
Miscellaneous	911.50
Permanent improvements	2,627.53
	\$310,028.76

CENTRAL STATE HOSPITAL, LAKELAND, KENTUCKY

Personal Service:

Salaries	\$17,869.25
Wages	91,866.47
	\$109,735.72
Food	125,980.56
Clothing, bedding, dry goods, etc.	44,089.28
Coal	57,247.87
Water	3,479.19
Oils and grease	1,840.88
Miscellaneous	495.40
Telephone and telegraph	609.63
Postage	291.34
Freight and express	1,198.24
Office and printing	724.12
Household, kitchen and dining rooms ..	5,337.84
Laundry soap, etc.	6,025.65
Farm, garden and dairy	11,566.30
Florist, cobbler, machinist, carpenter, painter, blacksmith, etc.	11,181.52
Motor vehicles	817.48
Medical surgical and medicine	974.08
Miscellaneous	5,154.75
Traveling expenses	577.56
Board refunded	671.48
Rents	372.00
Engineer, plumber, laundry	5,292.82

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Farm, garden, live stock, machinery	1,638.00
Household and kitchen furniture	1,644.01
Office and library	374.10
Miscellaneous	382.50
Permanent improvements	23,914.33
	\$421,616.37

WESTERN STATE HOSPITAL, HOPKINSVILLE, KENTUCKY

Personal Service:

Salaries	\$86,496.88
Wages	3,945.24
	\$86,496.88
Food	108,983.24
Clothing, bedding, dry goods, etc.	29,222.09
Coal	38,238.06
Oil and grease	838.72
Miscellaneous	2.00
Telephone and telegraph	693.11
Postage	275.00
Freight and express	2,715.00
Office and printing	1,002.63
Household, kitchen and dining rooms ..	3,626.26
Laundry soap, etc.	4,431.41
Farm, garden and dairy	14,590.74
Florist, cobbler, machinist, painter, blacksmith, etc.	11,633.90
Motor vehicles	2,180.54
Medical—surgical, medicine	4,282.70
Miscellaneous	4,889.73
Traveling expenses	580.14
Board refunded	1,657.77
Engineer, plumber, laundry	4,481.36
Farm, garden, live stock and machinery ..	674.90

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Household, kitchen, dining room	1,222.57
Miscellaneous	187.80
Lands	115.50
New building	2,520.00
Permanent improvements	5,109.15
	\$334,697.34

STATE REFORMATORY, FRANKFORT, KENTUCKY

Personal service:

Salaries	\$19,126.72
Wages	99,536.04
	\$118,662.76
Food	113,767.66
Clothing, bedding, dry goods, etc.	25,396.91
Coal	27,666.33
Water	6,707.00
Oil and grease	1,920.31
Miscellaneous	27,843.94
Telephone and telegraph	949.01
Postage	313.47
Freight and express	4,115.99
Office and printing	1,569.65
Household, kitchen and dining room	8,169.71
Laundry, soap, etc.	2,696.09
Florist, cobbler, machinist, carpenter, blacksmith, painter, etc.	13,025.29
Motor vehicles	4,004.05
Medical—surgical and medicines	14,462.30
Miscellaneous	39,200.73
Traveling expenses	5,800.27
Engineer, plumber and laundry	5,641.83
Household, kitchen and dining room	803.50
Motor vehicles	674.00

Mar. 10. HOUSE OF REPRESENTATIVES 1833

Office and library	1,035.56
Permanent improvements	2,741.43
	\$427,177.39

PENITENTIARY, EDDYVILLE, KENTUCKY

Personal service:

Salaries	\$12,974.24
Wages	43,131.35
	\$46,104.59
Food	27,276.03
Clothing, bedding, dry goods, etc.	12,100.42
Coal	19,284.95
Oils and grease	1,187.25
Telephone and telegraph	297.34
Postage	91.20
Freight and express	324.72
Office and printing	267.32
Household, kitchen and dining rooms ..	987.30
Laundry soap, etc.	757.27
Farm, garden and dairy	1,808.39
Florist, cobbler, machinist, carpenter, blacksmith, painter, etc.	4,816.69
Motor vehicles	155.48
Medical, surgical and medicines	1,621.90
Miscellaneous	4,006.10
Traveling expenses	1,071.37
Rents	1,440.00
Engineer, plumber, laundry	1,706.86
Farm, garden, etc.	15.00
Household, kitchen and dining room ..	107.55
Office and library	12.20
Permanent improvements	601.83
	\$136,042.76

STATE HOUSE OF REFORM

Personal services:

Salaries	\$27,613.86	
Wages	28,150.30	
		\$55,773.16
Food	39,276.76	
Clothing, bedding, dry goods, notions, etc.	15,463.21	
Coal	34,405.00	
Water	2,899.56	
Oils and grease	2,120.77	
Telephone and telegraph	532.27	
Postage	209.59	
Freight and express	72.43	
Office and printing	171.89	
Household, kitchen and dining rooms	2,082.50	
Laundry soaps, etc.	1,609.21	
Farm, garden and dairy	5,588.72	
Florist, cobbler, machinist, blacksmith	8,884.07	
Motor vehicles	1,545.12	
Medical, surgical and medicines	3,617.32	
Miscellaneous	7,662.20	
Traveling expenses	1,167.98	
Engineer, plumber and laundryman	3,810.28	
Farm, garden, live stock, machinery	2,784.28	
Household, kitchen and dining rooms	2,811.41	
Motor vehicles	420.03	
Office and library	88.30	
Miscellaneous	1,937.35	
New buildings	784.83	
Permanent improvements	11,306.80	
		\$207,025.04

The Examiners are obligated to the officers, clerks and employes of the main office and the various institutions for

their uniform courtesy and assistance while making these reports.

Respectfully submitted,
(Signed) H. E. JAMES,
State Inspector and Examiner.

At this point Mr. J. P. Byers was introduced, and after being duly sworn, testified as follows:

J. P. Byers:

1. Mr. Byers, what is your position at the present time?

A. Commissioner of Public Institutions, State of Kentucky.

2. How long have you occupied that position?

A. Since March 19, 1920.

3. How old are you, Mr. Byers?

A. Fifty-three.

4. Where were you born, Mr. Byers?

A. Columbus, Ohio.

5. How long have you had experience in managing institutions and where was your first work in connection with criminal institutions?

A. In Ohio in 1888.

6. At what point?

A. At Columbus as the assistant of the Secretary of the Ohio Board of State Charities.

7. How long did you keep that position?

A. Three years.

8. You left there when?

A. In 1902.

9. Then you were there twenty-three years?

A. No; I was assistant secretary from 1888 to 1891; from 1891 to 1902 I was Secretary of the Board.

10. In that same position?

A. Yes.

11. As secretary and assistant secretary what were your duties?

A. As the executive officer of the State Board of Charities, having supervision over the entire system of penal, correctional and charitable institutions of the State of Ohio.

12. You left there in 1902?

A. In 1902.

13. Where did you go from that point?

A. To Jeffersonville, Ind.

14. What position did you hold there?

A. Superintendent of the State Reformatory of the State of Indiana.

15. When did you take that position?

A. In 1902; I think in August; possibly September.

16. What salary were you paid at that time?

A. I don't recall. It may have been three thousand or thereabouts.

17. How long did you keep that position?

A. Nearly a year.

18. Why did you leave there?

A. I resigned because of political pressure.

19. Well, where did you go?

A. I went from that position to the wardenship of the Eastern State Penitentiary at Philadelphia.

20. You resigned at Jeffersonville in August, 1903. When did you go to Pennsylvania and begin your work there?

A. Within a month or two after I left Jeffersonville.

21. How long did you stay at Philadelphia as warden of the Eastern State Penitentiary?

A. Until January, 1904, I think it was. I was there a year and a little longer.

22. You went there in August, 1903, and stayed there about a year?

A. Yes.

23. Why did you leave there?

A. I resigned to accept a position in the State of New York which had been tendered me.

24. Whereabouts in New York?

A. Randall's Island, City of New York.

25. What kind of position was that?

A. I was superintendent of the New York House of Refuge, a corrective institution for delinquent boys and girls at that time.

26. How long did you stay there?

A. Six years.

27. When did you leave there?

A. In October, 1910.

28. Why did you leave there?

A. Resigned to accept position as secretary of the State Charities Aid Association in New Jersey.

29. You went to New Jersey in 1910, then?

A. 1910; latter part.

30. How long did you stay there?

A. For a year and a half, approximately, and was then tendered the appointment of Commissioner of Charities and Corrections of the State of New Jersey.

31. How long did you hold that place?

A. For the term for which I was appointed—three years.

32. Then when did your term expire there?

A. I think the first of 1915.

33. Where did you go to then?

A. I then accepted the appointment as executive secretary of the National Committee on Provision for the Feeble-Minded.

34. Where was your headquarters?

A. In Philadelphia.

35. How long did you stay there with them?

A. About four years.

36. Where did you go when you left there?

A. I went then to the Pennsylvania Working Home for Blind Men.

37. How long did you stay there?

A. Nearly a year.

38. And from there you came to this State?

A. I had left my position there; resigned it, and about that time I was asked to come to Kentucky to assist in preparing the law under which the board was created.

39. From the time you left Philadelphia were you not at Jeffersonville some time temporarily on work there?

A. No, I was not.

40. Your real employment began with this board when?

A. March 19, 1920.

41. What was your salary at the time you began?

A. \$4,200.00 per annum.

42. Anything else besides the \$4,200.00?

A. No.

43. Mr. Byers, who was the warden at the local Reformatory when you came here?

A. Warden Davis.

44. How long did he remain as warden?

A. I think until the latter part of July or possibly into August of that year; approximately five months from the time that he was appointed.

45. Was he dismissed or resigned?

A. Resigned under request.

46. Why was the request made?

A. Because conditions at the Reformatory were in an exceedingly precarious condition due to his inefficiency as warden, and he had made political changes contrary to instructions from the board.

47. Do you know anything about his experience before he came here?

A. No.

48. Do you know how long he had been there as warden?

A. I knew that he was appointed about the first of March, 1920.

49. Just a short while before you came, then?

A. A short while.

50. At what time did Mr. Davis resign on request?

A. I can't recall the exact date.

51. What was the nature of his political activities that caused his resignation to be requested?

A. He had discharged practically every employe of the institution and had filled their places with Republicans. He had been especially cautioned about political appointments. He had apparently not appreciated the necessity of having in the institution somebody who knew something about the running of a penal institution, and the situation was precipitated—it was exceedingly precarious because in the absence of any experienced men in the guards, deputies and including the superintendent, he was unable to properly handle the situation.

52. Even at that he did not have more than 50 per cent of them Republicans, did he, after he had discharged the few Democrats that he did?

A. I think the record will show. I don't think there is any question about his method of making appointments.

53. Has there ever been any time under your control when 50 per cent of the employes have been Republicans? Have not Democrats always been in the majority and are they not now?

A. I think there is practically a parity between the parties. The question of political affiliation has not been raised.

54. I understand that and appreciate it and want you to know that it is no purpose of mine to say that you have. But when the request was made upon you by the Governor through Mr. James, did not that result show that the Democrats were in the ascendancy?

A. It did.

55. Had more Democrats been added in up to the time Mr. Davis left or had it just been kept balanced as it was?

A. You will have to go back to the beginning of things, Mr. Drury, to the beginning of 1920, when it was practically officered by Democrats exclusively. I did not investigate personally any political appointments that Mr. Davis made. I discussed the matter with him. I was satisfied from his statements to me that he had been making exclusively Republican appointments in that institution. I think that was true.

56. Did you leave to him the matter of making these appointments or did he have the right to make these appointments without your request or approval?

A. I have nothing to do with the appointments in the institutions after the superintendents have been appointed.

57. Further than their appointment you have nothing to do with the appointment of the men under them?

A. Nothing whatever.

58. When Mr. Davis resigned on request who was your next head?

A. I had been instructed by the board to secure and nominate to them an experienced warden for the Reformatory to succeed Mr. Davis.

59. Whom did you select?

A. W. H. Moyer, of New York.

60. When did he assume charge as warden of the Reformatory?

A. I think it was early in August, 1920.

61. How long did he remain in charge of the institution?

A. About seven months.

62. What steps did he take to relieve the situation there left by Mr. Davis, under your supervision?

A. Mr. Moyer found the institution, as I have testified, in an exceedingly demoralized condition. There were no experienced, capable men in the employ of the institution. They had not been in the employ long enough to get the experience

that they needed to properly discharge their duties. He knew how these institutions ought to be run. He was an experienced prison man, and this former experience justified his selection to handle a difficult situation. It was a very difficult, up-hill work for him, as it would have been for any man. It was made more difficult because of the attitude—a perfectly logical one—the attitude of the employes of the institution; a stranger to the institution; and a man from outside the State. He worked all the time he was here in a frigid, unfriendly atmosphere within and without the institution. He left the institution seven months after he took charge of it physically and morally improved and its discipline improved.

63. Why did he leave?

A. He left to resume his work that he had left temporarily in order to come to Kentucky.

64. Did he resign of his own volition or on request?

A. He resigned entirely on his own volition.

65. Isn't it a fact that during the term of Mr. Moyer you had more escapes than at any time since you have been Commissioner?

A. I presume that is true, but the wonder is that there were any prisoners left in the institution at all under the circumstances.

66. If immediately after Mr. Moyer got in following Mr. Davis he proceeded to weed those out, those inexperienced men, how do you account for the number of escapes under him?

A. That reorganization process is one which cannot be effected in a month or a year.

67. From where did he get his men?

A. I think he got them exclusively from the State of Kentucky, so far as I now recall.

68. Were they experienced or not?

A. There were some men who had been discharged by Mr. Davis who had been taken on again. I have in mind the

bertillon officer, an office that requires experience and training; a very important office in the institution. There were other guards who had been displaced by Mr. Davis. The records will show. I haven't the names in my mind. I know there were at least a few of those guards who had been discharged who were removable.

69. Then why so many escapes when efficient men were employed?

A. It takes more than a warden, more than two or three or five or ten experienced men to successfully run an institution of that kind.

70. But with the institution in the shape it was in, and under Mr. Davis no escapes, and with the change to experienced men, still you had the escapes. How do you account for that? A greater number of escapes under Mr. Moyer. He was in better shape than Davis if he only put in five experienced men. Then why the escapes?

A. I wish you would go to the prison, Mr. Drury, to see for yourself the opportunities for escape in that place; one of the most insecure in the country, I believe.

71. Haven't there been more escapes during your administration than during ten years preceding?

A. I don't know.

72. Don't the people in Frankfort complain and isn't it just as secure as the day you came and if anything better?

A. The citizens of Frankfort complained through the Chamber of Commerce; complaint was made to the board about the situation as regarded the Reformatory. They complained that men were permitted to visit the moving picture houses; that they were going about the city in citizens' clothing. That wasn't true. Much less of that going on under Mr. Moyer than at any time preceding.

73. Do you not think that those escapes were on account of withdrawing the weapons from the guards?

A. I don't know. The weapons were only taken away

from the guards on the inside. This was during Mr. Moyer's incumbency.

74. What would prevent them escaping?

A. The prisoners didn't know about that. Every guard on the wall was armed.

75. But they knew that those inside didn't have arms?

A. Surely.

76. Then they knew that they had nobody to fire on them except the men on the wall. Didn't that necessarily reduce the discipline of the prison to the number of guards on the wall, for the others amounted to nothing?

A. I think you should take up the character of escapes that were made. When prisoners could go into a stockade and the guards were asleep on the tower, take a ladder and go over or dig under the walls because the guard was asleep on the watch tower, that was not due to the fact that the guard did not have a pistol on his person but due to inexperience and inefficiency on the part of one whose duty it was to see that they did not escape.

77. Could not that be remedied?

A. Only by dismissal of the guard responsible.

78. Was that done?

A. Certainly.

79. In every case?

A. I presume so in every case where the responsibility was shown.

8. Hasn't it only been just a short while ago that a prisoner beat up a guard who could not protect himself because he was not armed inside the wall?

A. I presume you refer to an occasion about two months ago where four or five or six men coming in the late evening from prayer meeting or some service held in the evening, by concerted action a few of them went into the engine room and there made an attack upon the engines, attacked the engineer on duty and attempted to and did put the institution

in darkness by turning off the switches. That attempt to escape was frustrated; frustrated by the men on duty in the engine room.

81. Do you think that would have been attempted had the guard on duty had a weapon to protect himself?

A. I think it quite like.

82. Isn't it a fact that a guard was beaten up there in the last two weeks?

A. I have not heard of it.

83. Nose, mouth, ears and face; Captain Thomas, because he had no weapon.

A. I have not heard of it. I would like to say this in regard to the lack of firearms in the hands of guards, that it is quite common I should say in the majority of the penal institutions, certainly in half of them, for the guards not to go armed. That has been true for many years. It was true as far back as 1902 at Jeffersonville. It is true in most of the penal institutions, certainly those that have any rank as penal institutions.

84. What objection is there to a guard having a weapon?

A. Because you never know at what moment the carelessness of a guard or the cleverness of a convict might enable the convict to disarm the guard and use the weapon against him as he might desire. It is more dangerous to have them armed than not armed.

85. How often has that happened in your experience in any institution that you were in?

A. Never happened in my experience because in my institutions the guards were never armed.

86. Here the escapes increased immediately after they knew that the guards were not armed. Isn't that a fact?

A. I don't know.

87. More escapes after you came here than in the last ten years?

A. I think that is true.

88. Would it not be better to risk the weapons and have less escapes? Don't it cost considerable money to get a convict back when he does escape?

A. The law provides for a reward of \$100.00 for the return of an escaped convict.

99. In the year 1920 didn't it cost the State over six thousand dollars for escaped prisoners?

A. I think I have a list of escaped convicts and would like to submit it.

100. Would be very glad to have you submit it as a part of your testimony.

A. I have the name of each prisoner and a summary of the escapes from March 9, 1920, to December 31, 1921.

101. I want the number of escapes and the amount paid. Will you have that made up from the books?

A. Certainly.

102. How many escapes were made at Eddyville during that time?

A. I don't recall whether there was one, two or three; possibly none.

103. Isn't it a fact that the warden at Eddyville, Warden Chilton, has all his guards to go armed?

A. Yes, they are armed, but I wish to say, Mr. Drury, that Mr. Chilton has a mighty fine body of guards who have been in that institution trained for years and experienced men who do know what they are there for.

104. Isn't it a fact that Mr. Chilton is a very able man in his line?

A. I would prefer not to answer the question.

105. Isn't it a fact that that is the only institution in the State of Kentucky under the Board of Charities and Corrections that shows a decrease in expense account, the penitentiary at Eddyville, a decrease in payroll from December, 1919, to December, 1921?

A. I am not sure whether there has been an actual de-

crease in the payroll, but there certainly was a decrease from the number of men in 1921 as compared with 1919.

106. Isn't it a fact that you now send and have an order of the board to send there the most incorrigible prisoners?

A. Yes.

107. When was that action taken?

A. Six or eight months ago.

108. Been sending them down there ever since?

A. No.

109. But some since then?

A. I think not.

110. Wasn't Joseph Wendling sent there?

A. Before that, I think.

111. I have here a statement showing an increase in the payroll of the office under the old Board of Control in December 1919, of \$1,372.69 in December, 1921, under the present board; an increase at the Reformatory over the Board of Control in December, 1919, of \$1,387.44 in December, 1921, under the Board of Charities and Corrections; for the same period the increase under your board at the Eastern Hospital was \$1,863.33; for the same period the increase at the Central State Hospital was \$3,250.32; and the increase for the same period at the Western State Hospital was \$1,711.76; for the same period under your board at the Feeble-Minded Institute the increase was \$2,011.78, per month; and during the same period there was an increase under your board at the House of Reform of \$1,019.83 per month; and at Eddyville alone the decrease in payroll was \$1,018.64 a month, making an increase from the last month's expenses of the Board of Control in 1919 and the same month in 1921 of your board of \$11,598.71 a month, increase in payrolls alone, and every institution showing an increase except Eddyville, which showed a decrease. State whether that is a fact as your memory serves you best?

A. As far as the general increase is concerned, I presume that is correct.

112. Something like \$150,000 a year increase in the pay-rolls alone. This I see compares practically with Mr. Tachau's statement just handed to me. Explain that if you wish to.

A. When the board took over these institutions they were both under-manned as regards officers and employes—very much under-manned, and the amount of wages and salaries paid was so low that the grade of service, the character of employes needed for these institutions, was not being secured. That was particularly true in the hospitals and at the Feeble-Minded Institute. The board made a reclassification of salaries which you have doubtless seen on the minutes of the board. That classification provided for increases in practically all of the positions. The number of employes now is less than it should be, particularly in the Hospitals for the Insane. It is less than it should be if they had accommodations to house their employes. You cannot get so satisfactorily from me as I suspect you can if you call the superintendents themselves to tell you the difficulties that they have encountered in securing employes and officers; particularly in securing those who are qualified by training and experience for the more important posts in the institutions. There was an unavoidable increase in the amount paid for salaries. If these should do the work that they are designed to do there will still be an increase if they are going to rise to the height that the people of Kentucky may reasonably expect them to attain.

113. Wasn't it a fact that an effort was made to take these institutions out of politics, and in doing this wasn't one of the main arguments that they had more employes than they could use; were falling over themselves? Wasn't that one of the main arguments to take them out of politics?

A. I don't know.

114. If I were to tell you that I could man any penitentiary, any reformatory, any asylum, with all the labor they

wanted and guarantee to you that I would give you better type of men from my home county, Union County, what would you think, and I would guarantee the very highest type of me?

A. I think that the board had better appoint you Commissioner of Public Institutions.

115. I can send you one hundred men at once. Don't you have trouble getting men?

A. Very little trouble now compared to a year or a year and a half ago.

116. This could have been done two years ago. I see on the list from Eddyville the name of E. R. Mattingly, who is an own cousin of mine, and you can telephone Mr. Chilton and if he don't tell you that he is the best guard in the institution, you can have a dinner at my expense, and I can send you one hundred men, not related to me, who are as good guards as he is, and could have done so a year ago. It has always been in my county the principle that men run for the Legislature on who will be guards at the penitentiary. Isn't that true?

A. It has been in the past. Under the old system they have been selected by people who knew nothing about the institution or cared nothing for the service.

117. Don't that convince you that the jobs are being sought and that there are people ready and willing to take them and that there is no scarcity?

A. I am willing to make this statement, and rest its evidence upon the testimony of the superintendents, that not one in ten who apply for these jobs are the type of men we want in these institutions; probably not one in twenty.

118. Don't you think out of one hundred you might get ten? I believe I could get them as good as Mattingly.

A. The trouble between you who have no responsibility in the institutions and the man who has the entire responsibility— (Interrupted).

119. I understand. I may be an exception to the rule,

but I would feel equally responsible if I were to recommend a guard to you to go into that prison. I really am honest and sincere when I say now—yes, even two years ago I could have sent you not only from my county but from any adjoining county all the men you needed.

A. There wasn't a superintendent but what was at that time combing the State for not only guards but nurses and all types of employes.

120. They didn't come to Union County then.

A. I am glad you have put it on the map.

121. We have them down there who are anxious to go to work.

Now, not in a spirit of criticism, Mr. Byers, but you have been in Kentucky long enough to know Kentucky and Kentuckians, and don't you feel that you would have had better results with native-born Kentuckians who are naturally interested in their fellow citizens, than to go out and get men like Mr. Moyer who created friction, and don't you think you would have gotten better results if you had had Kentuckians in charge?

A. Never for a moment has the policy of the board and myself to secure when possible in the State of Kentucky employes for these institutions been lost sight of. If there were capable and experienced wardens in the State, they certainly were not known by the board. The situation at the Frankfort institution was nothing to trifle with. It was ready to go up in the air at any minute. No inexperienced man could have handled that situation at all.

122. Mr. Bastin was inexperienced in that work, was he not?

A. He was; quite sure he was inexperienced when he took charge; he had no previous experience, but he did have the benefit of the work done in Mr. Moyer's administration; he trained up a corps of men started under Mr. Moyer.

123. Hasn't Mr. Bastin with his inexperience been far

better, been much better than Mr. Davis with his inexperience, and hasn't Mr. Moyer with his experience been far worse than Mr. Davis with his inexperience?

A. No.

124. Were not the number of escapes greater?

A. There were a great many escapes.

125. Would you not naturally think as a prison man that the number of escapes was a fair index of the discipline of the institution?

A. The number of escapes was an absolute index of the lack of discipline of the guards and it was no reflection upon Mr. Moyer that with the tools he had at hand there were no more escapes.

127. You say Davis had such a bad crew and he got by and showed a better record, and Mr. Moyer put in a better crew and had a worse record. He weeded out and had the worst experience that any one ever had. I can't understand that line of reasoning. We will admit for the sake of argument that Mr. Davis had a bad crew. Mr. Moyer began to improve the situation and then he had the worst record for escapes, which you say is an index of discipline—the worst of any man you have had in here? Why did they get poisoned about Moyer?

A. Very easily accounted for. The effect of the previous five months before Mr. Moyer took charge; all had been accumulating during that time. When Mr. Moyer took charge every prisoner's mind and every guard's mind had been poisoned against Mr. Moyer. There were evidences of collusion from the outside in escapes of the men.

128. By Dr. Welch: Did they know that Moyer was coming here? Why did they get poisoned about Moyer?

A. Done from the inside, Dr. Welch.

129. There is a bill that was presented here the other day and that had been filed by some one as a part of a stenographic record showing where something between four and

five thousand dollars' worth of household goods, materials and supplies were purchased and placed in the residence of Mr. Moyer. Do you know anything about the auditor refusing to pay that account?

A. Yes. When the board took charge of these institutions most of them had local treasurers. In all of them there were one or two or more local funds, either in the hands of the local treasurers or in the officers of the institution. These funds had accumulated from various sources—pay patients, hog accounts and what not. We found at the Reformatory, I think they called it the general expense fund, made up from sale of junk iron and miscellaneous receipts, which were held by the warden in his custody. Those receipts were not reported as now to the auditor and deposited in the State Treasury. That fund ran, I suspect, from two, three, four thousand to as high as eight thousand dollars. It used to pay various items of expense of the institution—traveling expenses and other items of expense. The fund at the time Mr. Moyer took charge of it was in the neighborhood of seven or eight thousand dollars. I discovered later that it had been the custom of the institution to submit to the Board of Control monthly a statement of expenditures from that general expense fund, and I discovered also that it had not been customary for that statement to go to the auditor for audit. When the expense for furnishing the warden's residence was made upon the order of the board, when the bill for the furniture came to the office, I was advised that Rogers Bros., who sold the furniture, did not want to accept a warrant and that for cash they would discount their bill ten per cent; because it saved the State 15 per cent on the bill, something over \$400—10 per per cent on the bill and 5 per cent on the warrant, that bill was paid from that general expense fund in the hands of the institution, as were also the other bills in evidence in the testimony several days ago—at least two of them. We were then working to the developent of the system where we were

closing out all these petty accounts, small accounts, different funds in the hands of different officers, so that we could head up in our present system where all receipts in every institution must clear through the department and into the State Treasury where they belong. That system has been in effect more than a year. The funds in the hands of local treasurers—the amount of it in June, 1920, when the auditor asked for money then in the hands of local treasurers—the budget bill was to go into effect on the first of July—and I called in for the auditor something over \$70,000 from the treasurers of the charitable institutions. The policy of reducing this general expense fund at the Reformatory, get it down to a petty cash basis was our aim. Now the bills were paid before they went to the auditor of the State. I had as a matter of course assumed that the monthly audit of these bills was going to the auditor and it was not until I made a personal visit to the auditor and talked to Mr. Doyle concerning it that I learned that it was not customary. I assume, therefore, that he had never audited that general expense fund of the institutions. I immediately returned to my office and secured all of the expenditure accounts of that fund running back two years and delivered them to the auditor myself, and in those accounts as delivered by me to the auditor were the accounts for the purchase of the furniture, etc. Those accounts had not been filed with the auditor previous to that time but had already been paid out of the petty cash funds, as was the custom.

130. Didn't the auditor refuse to grant you any petty cash funds until those accounts were turned in?

A. I think not.

132. Isn't it a fact that you took this account to the auditor and he refused payment and then you paid it out of the petty cash?

A. No, sir.

133. Didn't you testify that you closed these accounts in June before?

A. I said we were closing them up, but they were not actually closed up entirely until December of that year.

134. Do you carry a petty cash account in your office?

A. No, sir.

135. They were all in in January, 1921, were they not?

A. I think so.

136. I hand you here a bill presented in January, 1921, which the auditor refused to pay. Is that true?

A. I take it this was paid from the petty cash fund.

137. But this is dated January 3, 1921, for the month of January after you said the petty cash account was closed.

A. Our general expense was closed. We began to operate a petty cash fund as per this schedule here I think in January, 1921.

138. But this was not approved for payment until after January, 1921, by you, because the last item was entered on January 31st; so it must have been after you had closed the petty cash account when that was handed in.

A. We had a petty cash account, but if it was necessary to make a demand upon the auditor for emergency purchases or petty cash that demand was made and the auditor issued his check and it was issued to the Superintendent of the Reformatory even at that time, and this is a statement of disbursements from petty cash in the hands of the Reformatory.

139. Who paid them? The auditor refused to pay them.

A. It was paid for out of the petty fund at the institution.

140. Now these marks here (showing him paper) indicate that there are two accounts created, \$219.66, that the auditor of the State of Kentucky says should not be paid for with good cash, petty cash or any cash. Has this been paid for, or has some individual been out that money?

A. This would indicate that the auditor suspended pay-

ment on two items until he was satisfied that they were proper items to be paid for by the State. I can't tell you now that these had not been paid for, but I presume that they have been.

141. If the auditor should say they had not been paid for, would the State of Kentucky now have to pay for them?

A. The State of Kentucky through its petty cash has paid it, according to that record.

Said items are as follows, to-wit:

Jan. 25, 1921. R. Rogers & Sons, supplies for Superintendent's residence\$176.85

Jan. 25, 1921. R. Rogers & Sons, supplies for Superintendent's residence 42.75

142. There is another bill, a hotel bill, \$423.75. I believe they objected to my saying entertaining him at the hotel. I will say his hotel bill. Was that paid out of the petty cash?

A. Similarly to the furniture bill.

143. Was this bill of hardware, \$23.20, was that paid the same way, out of the petty cash?

A. I don't recall. The records will show.

144. Here's another bill for silverware, \$203.85, from M. A. Selbert. Was that paid the same way out of petty cash?

A. I think so.

145. Here is a dry goods bill from Kagin, napkins, silence cloths, dish rags, tablecloths, etc. Was that paid the same way?

A. I suppose so.

146. Do you know what authority of law the State Board of Charities and Corrections had to warrant him in making these purchases, if they did have any?

A. I presume that is for the board to answer and not me.

147. Who bought these articles?

A. They were purchased by Mr. Moyer after getting

prices from Lexington, Louisville and Frankfort.

148. Did the State Board of Charities or any one representing the State of Kentucky have anything to do with the selection of them or their purchase?

A. No.

149. You don't mean to tell me that the State Board of Charities and Corrections, all estimable ladies and gentlemen, got a man from New York and turned him loose to buy whatever he wanted for his home?

A. That is not quite the correct way to state it.

150. Wasn't that done, however?

A. I went over the prices with Mr. Moyer; checked out some. I have not yet become a purchasing officer for the State of Kentucky. I felt that the superintendent was entitled to some individual taste and judgment in furnishing the house. As prices then were exceedingly high and as the house was absolutely bare of anything in the way of furniture or equipment, the bill necessarily amounted to more than it would have in normal times and had the house not been entirely bare.

151. Don't you think that in view of the fact that Mr. Moyer was just here on a vacation, only going to stay a short while, that it would have been better to cater to the taste of the State Board of Charities and Corrections than to Mr. Moyer who only stayed six months? Would it not have been better to have had a member of the board exercise his judgment in selecting these articles?

A. Don't think a member of the board would have been willing to put himself in the attitude of a purchasing agent.

152. If they didn't want to look after the State, don't you think it is about time for them individually to resign and not turn things over to a man from New York to buy what he pleased?

A. The furniture is there for the board to inspect.

153. If you were running an institution and employed a

man, would you turn him loose to go downtown and fit up his home as he pleased with your money?

A. Under the circumstances I would want to know what he was doing and would have given him opportunity to exercise his taste.

154. Do you see any reason why it would have been beneath the official dignity of any member of the board to help him select this furniture and these fittings?

A. Might easily have been done.

155. And it would have been better if it had been done?

A. In view of what transpired since I believe it would have been much better.

156. And in view of what transpired don't you think if it had been done the bill would have been smaller?

A. I doubt it.

157. In taking a job which had always been held for two thousand dollars and increasing it to thirty-six hundred, and furnishing the home and furnishing all that he ate, that is, he was to get what the prisoners ate, but I find that grapefruit, pineapples and bananas that never got down to the prisoners were furnished there, why could he not have furnished his home in view of that fact?

A. The board had adopted a policy of furnishing the residences of the superintendents of the State.

158. Don't you think the furnishing of the residence and furnishing all that he ate, and thirty-six hundred dollars a year exceeds the constitutional limits that the salary of a State executive should not exceed five thousand dollars?

A. I am not a constitutional lawyer and don't know what interpretation of the Constitution might be as regards salary and maintenance.

159. You say you were brought here to perfect this law in 1920 during the session of the Legislature?

A. I didn't say so.

160. How did you get down here? Mr. Tachau says you were brought here to perfect this law in 1920.

A. I was asked, invited, requested to come to Kentucky about November, 1919, to assist in preparing a law by some people who were interested in seeing Kentucky have a model law, and it was at that time that I came to Kentucky.

161. When did you first come?

A. About the middle of November.

162. How long did you stay here?

A. I stayed here practically up until the 10th of January.

163. Would you object to telling me who invited you?

A. The people who were particularly interested in my coming to do this preliminary work or help in that work were Robert Bingham, A. T. Hert and the late Mr. Ed Hines, members of the new board of control.

164. You stayed here until about January 10th?

A. I think so.

165. Had the law been drawn when you left?

A. The outline.

166. And you assisted in drawing that law?

A. Was in conference with them.

167. You then came back when they employed you in March?

A. Yes.

168. Did you come back between that and your employment?

A. I went to Florida in January and was requested by telegraph by Mr. Hines to come to Louisville.

169. You say that you assisted in drawing this law. Isn't it a fact that this law gives you, the Commissioner of Public Institutions, more power than any board, any individual or any man in the State of Kentucky enjoys?

A. I have not been conscious of that fact.

170. Isn't it a fact that there is more power vested in

you than you ever saw, in all your experience, vested in any man in any institution?

A. Not at all.

171. Is there anything in this law, anything—any limit as to what you are to receive?

A. Constitutional limit.

172. And no limit in there as to what you shall pay your help or the number of employes you shall have?

A. Nothing but the constitutional limit.

173. Isn't it a fact that your board has nothing to say about whom you employ or what you pay them?

A. I didn't know about it if it is so.

174. While we have a State Board of Charities and Corrections, are you not really that board?

A. By no means.

176. Hasn't the State Board of Charities and Corrections more power than the Governor and you in turn more power than they have?

A. Not at all, but the law gives to the board the power and responsibility about running these institutions.

177. Didn't the Governor advise you and your board nineteen days before your party left that they could not pay your expenses, and didn't the board pay your expenses out of the petty cash and the bill never was presented to the auditor?

A. The bill was paid by the State.

178. Isn't it a fact that on September 1st, nineteen days before you and Mr. Bastin and Mr. Chilton and Major Hickman, you four gentlemen, before you left the Governor advised the board that there was no warrant of law for paying your expenses to Florida, and in view of that did you not go and didn't the State of Kentucky pay out of this petty cash account your expenses, and wasn't it paid out of that petty cash account before it was ever presented to the auditor and didn't he refuse to pay it?

A. I have no petty cash account. I believe my bill was presented to the auditor and paid.

179. How were the others paid? How did they get their expenses paid?

A. Paid by the individuals and reimbursed by the Auditor of the State.

180. Did the State Auditor refuse to pay it?

A. It was paid out of the cash fund at each institution. At this point Mr. Tachau was recalled.

365. Mr. Tachau, do I understand you to say that certain parties were appointed by the Governor to attend this convention held in Jacksonville, Fla., as delegates, and that by that appointment he advised you that the State could not pay your expenses? By that appointment he regretted to say that under this appointment there was no provision in the State law to pay for expenses. But then later the board selected certain men and sent them themselves not as delegates but as employes and paid their expenses?

A. Yes, sir.

366. How do you reconcile the fact that the letter of the Governor told you that you could not pay their expenses by law as delegates, and then you paid them as employes, when the Governor advised you that the State of Kentucky could not stand their expenses as delegates but the State of Kentucky stood their expenses as employes?

A. Because it was not within the Governor's power, I take it, and the Governor had no money at his command to pay for official delegates. I have not only been appointed in this case but in two others in which the same statement was made. But I say now, and the board felt then and acted on it and feels today that it has a perfect right under the law to send its employes to conventions where it feels that it will be to the benefit of the institution and pay the expenses of the employes that it sends.

367. After the Governor had made this appointment and

told you in that appointment that the State of Kentucky could not bear your expenses as such delegate, you went right ahead and had them paid out of the petty cash funds?

A. Whose expenses?

368. I believe, Mr. Tachau, you testified that the Governor wrote a letter to every delegate thus appointed stating that he regretted that the State of Kentucky could not bear the expenses of those delegates to this convention under such appointment. And then, after that, you did send four employes, namely, Mr. Byers, Mr. Bastin, Mr. Chilton and Major Hickman, and that the board, which uses the money of the State of Kentucky, paid that expense and authorized it?

A. Yes, sir; that is right.

369. Then let me ask you, in the light of the letter written in which the Governor told the delegate that he regretted there was no law permitting the State of Kentucky to pay that expense, did you go then and ask the Governor if there was any law that would permit you to send them as employes and pay their expenses?

A. I did not. The letter was never written to the board.

370. In other words, you take the position that when the law will not permit a man to be branded delegate and get his expenses you make him an employe and get the money for him that way?

A. You are putting words into my mouth that I didn't say.

371. In the light of that letter about which you knew, Mr. Tachau, don't you think it would have been wise to have consulted the Governor in regard to the manner in which you proposed to pay their expenses and see whether or not that could be done under the law?

A. I did not.

The hearing adjourned at this time until 1:30 p. m. of the day.

Committee convened again at 1:30 p. m. Monday, February 13, 1922, in the Senate Chamber.

Judge Humphrey at his request made a statement at this time, which it was agreed should be entered as a part of this proceeding.

By Judge Humphrey:

I will try to make my statement just as concise as possible so as not to take up the time of the committee.

The first thing I want to call the attention of the committee to is that there is in the minds of the people generally an exaggerated idea of the power of the commissioner. If you will look into the act you will see that the board appoints the commissioner, that he is subject to removal by the board at their pleasure.

In the second place you will observe that the superintendents of the various institutions are not appointed by the commissioner but are simply nominated by the commissioner to the board, and it is the duty of the board to consider the men nominated and their capacities. I don't think, therefore, it is fair to lodge on the commissioner the superintendents, because at least they are really appointed by the board and are simply nominated by the commissioner and confirmed by the board.

Then, again, there is a receiver at each of the institutions who is not even nominated by the commissioner but who is selected by the board itself. Then the scheme is, according to this law, that these superintendents being thus appointed, that they shall appoint their own subordinates; but the act provides in regard to the salaries that all salaries shall be determined by the board; so that it is not fair to throw off on the superintendents or on the commissioner the responsibility of these salaries. These salaries are fixed by the board and are determined by the board under this act. So much for the scheme of the law.

I think also if anybody would look into the matter they

would find that the board has by no means been an idle board. Aside from their meetings once a month, they have various duties to perform which have to be looked after very carefully; for instance, the purchase of supplies. Mr. James suggests in his report that it would be a good idea for the board to appoint a buyer. Now the fact is that if anybody will look through the various laws in regard to institutions of this kind he will find that a good many years ago it was provided that so far as the various charitable institutions were concerned no supplies should be bought for them exceeding one thousand dollars, except upon a public levy, and this should be submitted to the board. If the salaries have been too large, if we have used too much of our money in salaries, then it is not the commissioner who has been responsible but the board.

You can readily understand that with a given amount of money given to the board, they must determine how that money must be spent in salaries and wages to employees. It must be spent in the feeding of the people and maintenance of the institution.

Then it must be spent in certain absolutely necessary improvements. Now the board has a given amount of money. They have laid before them how this money should be spent, and I do not think that it is more than fair to say for the board that every time they spend a dollar on salary, improvements or food they have in mind the total amount that they have to spend, so as to see to it that they always keep within their appropriation. I believe that if the committee will go back through past years they will find that the present board has spent no more money in the aggregate than former boards. The question is, have they wisely spent it as between these various items of expense? The board thinks that it has. Perhaps it has not.

The board has thought it was very important to have the best talent that it can have in these various places, and

particularly the board has desired this when it comes to a question of the care of the unfortunates who are under our charge, I mean those in the asylums and in the Feeble-Minded Institute, that we should have the very best people that we can select. I don't think anybody can say that the board has desired to go out of Kentucky to employ these people. They have simply tried to get the best they could, and if they could not get them in Kentucky had no hesitancy in going elsewhere. The total number employed by the board at present is 744; of these only forty-seven were not residents of Kentucky when appointed. Of this forty-seven there are twenty-seven who are attendants employed to look after unfortunate people in the asylums, such as nurses. I am quite sure that if you employ a nurse for your own family you want to get the best and would not care where you got the nurse. Four of the heads of the institutions are native Kentuckians, Mr. Bastin, Mr. Chilton, Dr. Larue and Dr. Durham at the two asylums. Dr. Jillson, who is at the Central Asylum, Dr. Taylor at the Feeble-Minded Institute, and Major Hickman at the Houses of Reform were brought from outside the State, but because they were experienced in their line, and the only thing I would ask for the committee in reviewing a question of this kind is to go to these places and see whether these people are the right people, and I believe at last the test of all that would come from a personal visit; and so far as I am concerned I regret to say that I have not been either at Eddyville or the Western Asylum; have been at the other four. If you go there I am sure you would say they are being well conducted and that care is being taken of them, and that proper surveillance is being made of the people at the Penitentiary at Eddyville and at the Reformatory here.

So far as I have been able to understand there is no criticism of the conduct of the Eddyville Penitentiary or of Mr. Bastin at the Reformatory. It is true that when Mr. Bastin was appointed he had not had experience in that line,

but he had been a business man of wide experience in the community where he lived, and he took hold of this institution with the ability of an experienced business man, and through Mr. Byers has been enabled, I think, to bring that institution a long way towards what it should be—a credit to the State.

So far as Mr. Byers is concerned, you have heard this morning what his experience has been with these institutions. The board watches Mr. Byers conducting these institutions. They know exactly what he does. They go over his work month by month and at less periods. They are entirely satisfied with his work. They believe that he is a man of experience, ability and integrity and that he has at heart a desire to bring these institutions up to the best standards.

There is only one other thing that I want to say and I am sure you will appreciate that, and I know from what Mr. Drury says that he has no doubt about this fact, that this has not been an idle board. We may be incompetent but not idle. There are upon this board Mr. F. M. Sackett, Mr. Henry P. Barrett and Dr. Samuel H. Holley, who have been business men all their lives. If there is an abler business man in Kentucky than Mr. Sackett, I have never met him. Mr. Barrett's reputation in Western Kentucky is without a rival and we have Dr. Holley in the Bluegrass. We have Mr. Tachau, who has the business at heart and has done everything he could to forward it. Judge Winn and I are lawyers on the board. Bro. Drury will understand that a lawyer has no easy job on the board. He has to do a lot of things to keep within the law and he has to do a great many things in advising the board as to what they shall do here and there. If anybody wants to find out the law on the subject of the penal and charitable institutions of Kentucky I invite him to find it out and if he hasn't a man-sized job I will give it up. They say they have the responsibilities of the old State Board of Control. When you look back you see endless statutes here and there. You wind up by finding that

they have the responsibilities of the Board of Control. When you wander through endless sections you find that the Board of Control has the same authority as a State Board of Control which at one time had authority simply over the charitable institutions and another board which had simply authority over the penal institutions. When you look from that point you find that they came from the Penitentiary Commissioners and they came from the Sinking Fund Commissioners.

I assure you of this because I tried to go through these laws and find out what our duties and responsibilities are, and found it no child's job, and besides that we have, making confusion worse confounded, various decisions of the Court of Appeals on these various enactments. All of that is a matter to which I have given my special attention. I don't care to boast about it, but I went into this matter succeeding Mr. Edward W. Hines, and I am far from being his equal in the matter. He gave his whole time to it. I have lived and was born in Kentucky and feel that I should do something for Kentucky, and it was with great pleasure that I undertook this work.

In conclusion I want to say this to you in all frankness; there are two methods in which you can conduct your charitable and penal institutions: one is to have a partisan board. If you have that then you have a party responsible. If that board fails then you hold not only the people who have the offices but you hold the party responsible for them. That is the old method. The other is to appoint a bi-partisan board, which has been appointed. On this present board we have Miss Simms and Mrs. Riker who give their attention to visiting these institutions. They come back and tell us what should be done there. They are our eyes. I rely more upon Miss Lucy Simms and Mrs. Riker than I do upon the male

members. We go and see but the eyes of a woman are more piercing, especially when it comes to charitable institutions.

Then we have enlisted the services of a number of the most excellent women of Kentucky. They go to the institutions and come back and give us their views.

We should have either a board with large powers and with large responsibilities, or we ought to have a partisan board where there would not only be the responsibility of the board but the responsibility of the party.

When it comes to the expending of these funds, a certain amount for salaries, maintenance, for food, for necessary improvements, I submit that it is impossible for anybody to determine that except the people who are closely associated with it and who have this budget before them and who are responsible not to go beyond the budget but to see that every dollar they spend does the most good. I think if you will examine you will find that this present board has spent no more than the boards in the past have spent. If we have spent it differently we believe we have spent it more wisely. Whether we have or not only results will show.

Statement by Mr. Drury:

I trust that the State Board of Charities and Corrections will understand that this committee occupies a position something similar to theirs. We came here to the Legislature representing our various districts. We came here, at least so far as I am concerned, knowing nothing about what we would be called on to do in this direction and I was greatly surprised to be placed on this committee. I see that we do not understand each other. The board has the idea that this committee is here to persecute it, which is entirely wrong; and I want to say to them that there is no desire upon our part at all to do this, but we have our sworn duty to perform just as you have yours, and I want to say that I have no criticism of them as individuals. The ones I know I admire and appreciate, but I want to say that hereafter, so far as I am con-

cerned, I am going to make this investigation so that I can make an intelligent report to this Legislature, let the chips fall where they may. I feel like we are within our rights. We are not trying to say that this ought to be partisan or bi-partisan or what. I dare say that the board thinks we have an ulterior motive in mind. I am here as a Democrat and there are both Democrats and Republicans on this committee, and I want to say that all action taken by this committee so far has been unanimous on everything. We have acted as Kentuckians. That is our desire; to find out the situation.

Remember that we did not make this complaint. The complaint was made by citizens of Kentucky. Then we owe it to Kentuckians to not fail in our duty on this but to give them what they are entitled to.

When we find members of the board resenting our attitude it is fair, but we are merely giving the facts. We will get them down and present them. If they think we are merely a bunch of interlopers, all right. We are here to do our duty and get the facts and lay them before the Legislature. It has got to be done in committee and laid before them, and it is their business to do as they please. I trust they will understand that I do not want to get them in a corner or run them into a hole. But sometimes I have to use the sand pump and it makes me appear in the role of a prosecutor.

I began without any knowledge of this board and these institutions. Therefore, I cannot conduct this examination as intelligently as I ought in asking my questions. The audience and the State of Kentucky must bear with the facts that I have had not time to go into. I am going to try to get certain facts out that have been held before me in the best way I can, and the committee is trying to get information, and I feel that the board and this committee ought to understand each other. Every time that there is an adjournment they seem to think that I am unduly hard on them, but if you will

just lay the facts down in front of me, that is all I ask. This case is not being made out by the opposition but by you people. So far I have just been trying to get you and your employes to give facts. It is the intention of this committee to try to get this information from within the board and from its employes. If we do that why can the board complain?

Reply of Mr. Humphrey.

You entirely misunderstand me. Whenever a man takes a public place the public is entitled to know all about his official conduct of that office, whether he is paid for it or not. If any man goes on the State Board of Charities and Corrections, he is a public officer, and the State of Kentucky is entitled to know how he performs the duties of that office. You are entirely right. Please don't think that I have my feelings hurt. The only thing that I would like to impress on you, and which I am afraid has not been sufficiently impressed on you is this, that it is the board that is responsible for these things and not Mr. Byers. In other words, the board is not willing—and, bless my soul, we would not be worthy of our position if we would attempt to shove ourselves behind Mr. Byers when we know what Mr. Byers has done and we have approved of it.

Therefore, I say that you don't hurt my feelings one particle in making the fullest investigation. You are perfectly right in doing it.

By Mr. Drury.

It don't make any difference to me whether Mr. Byers acted under the board's direction or not. I didn't think the board wanted to take it. We are going to criticize just where we find criticism necessary.

By Mr. Tachau:

We do want the responsibility.

Completion of questioning of Mr. Humphrey by Mr. Drury:

1. I found out the other night here that you had paid certain men in advance. What is the idea of that?

A. I don't know.

2. That is the reason why I am asking about these things.

What about renting this farm at Eddyville?

A. I don't think there is a law to prevent that. Within the lids of the three volumes of the Kentucky Statutes there may be a prohibition against our doing that, but I didn't know that there was anything to prohibit us paying in advance, and I just felt that when we went backwards and forwards over the proposition as a measure of economy that was a good proposition to rent that farm and even pay for it in advance. For by the use of that farm we could raise enough hogs and corn to make it useful. But it never occurred to me why we could not pay in advance if we made a good bargain.

3. Is the State of Kentucky so bad off that she has to do that?

A. Bless my soul, no. But I have a tenant who pays me in advance; a good one, too.

4. You approve of all the acts and expenditures of Mr. Byers and the entire board itself?

A. I think so.

Mr. Byers recalled:

181. Mr. Byers, what is your salary?

A. \$5,000 a year.

182. I stated this morning and I don't think Judge Humphrey will dispute it, that \$5,000 under section 246 is the Constitutional limit. Do you have any other items that they pay for other than your salary?

A. Traveling expenses.

183. Do they pay for your board?

A. Not unless I am away.

184. Was that in the contract that they would pay your board when away?

A. Unquestionably, as a matter of business.

185. Was it in the contract?

A. I presume that my traveling expenses have always been paid.

186. They have always paid them, have they?

A. All that have been charged.

187. When you are here you are to pay your own hotel expenses, are you not?

A. I board in Frankfort.

188. They don't furnish you, as they do the warden, Mr. Bastin—he is furnished his residence and maintenance and it is paid for by the State; that is not furnished you, is it?

A. No.

189. Don't you eat half your meals with the warden?

A. No.

190. About how often do you take your meals with the warden?

A. A little difficult to say; probably once in ten days.

191. But in the last year how many meals do you say that you have taken with the warden?

A. A little difficult for me to say.

192. Since you have been on, you might say?

A. I was a great deal there during Mr. Moyer's and Mr. Davis' stay in there.

193. Take Mr. Davis. How many meals a week did you eat with him?

A. I may have been there two or three times a week.

194. How often when Mr. Moyers was there?

A. As much; probably more.

195. Didn't you take half your meals when he was there?

A. I think not.

196. Since Mr. Bastin has been there?

A. Once a week or once in ten days.

197. And when you are not there do you take meals **out** in town and charge them to the State?

A. Not unless I have been detained at my office **and** take them out in town.

198. How often do you do that?

A. Possibly once or twice, maybe three times a month.

199. Do you not then use a taxi to and from your meals and charge that to the State?

A. No, sir.

200. Never have?

A. I have not.

201. I see here that frequently here in Frankfort you **use** a taxi and charge that to the State.

A. I think not.

202. Here's a taxi, Frankfort, fifty cents, on the 5th day of July, 1920; taxi, Frankfort, \$1.00, 12th day of July; taxi, Frankfort, on the 13th, etc.

(No answer made to this).

I see here where you went from Lexington to Cincinnati. The bill is dated July 2, 1920, and paid, \$35; went by **auto-**mobile.

A. Thirty-one dollars and something, wasn't it, instead of thirty-five?

203. Yes; \$31.50. There were many trains running from Lexington to Cincinnati; why have the State pay out **that** money in that way?

A. I am very glad to explain. I had arranged for a **con-**ference in Cincinnati with the public health service and **rep-**resentatives of Ohio and Indiana, to take up with the public health service the matter of payment by the United States Government for the care of ex-service men in our hospitals and the institute, if any there. I had expected to catch a **train** at 8:50 leaving Lexington for Cincinnati. My engagement was at 3 in the afternoon. We got to Lexington and **found** that the morning train had left at 8:25 and that there was **no**

other morning train. I considered it of sufficient importance to justify the expense of hiring a taxi. I telephoned to the Greendale School to see first if I could get the auto from that institution; could not get it and went up to the station and arranged for a car to take me to Cincinnati for \$30.00. I was half way on the route, I suspect, when the front wheel of that taxi came off and I was in imminent danger of missing my engagement. As I waited in the road a Ford came along with the name "Conn Bros., Cincinnati, O.," painted on it. I explained to the driver, who was a traveling salesman for Conn Bros., my predicament. He said he would not get there until 6 in the evening, as he had to make some stops. He took me probably twenty or twenty-five miles further towards Cincinnati. He had to leave me at a little town where I again secured an auto. I insisted upon this driver taking a gratuity for carrying me upon this route. I didn't get a receipt; didn't like to ask him for one. I then hired the auto and went to the terminus of the trolley line at Covington and reached Cincinnati in time to make this engagement.

The importance of this engagement was this: the Government had been paying to the State of Kentucky \$140 a year for the maintenance of these men in our hospitals. I knew that the Government was paying in other States twice and three times as much. The purpose of having Ohio and Indiana in that conference was because they composed the district over which the public health service in Cincinnati has jurisdiction. As a result of that conference a contract was made that afternoon which provided that the Government should pay to the State of Kentucky \$1.25 a day for ex-service men in our institutions. The difference was \$140 per annum and \$450 per annum per man, and we had forty-two ex-service men in three hospitals at that time; that number has since increased and the number in all likelihood will continue to increase. Since that contract was made Kentucky has had the difference between \$140 and \$450 for each of the men she was

maintaining in the hospitals who were ex-service men. I think nobody regretted more than I the necessity of putting the State of Kentucky to that extraordinary expense, but I felt that the circumstances justified it.

204. What time did you get to Cincinnati?

A. I made my engagement at 3 o'clock.

205. How was it that you happened to miss that early train to Lexington?

A. Went by the State car from here.

206. What was the reason that you missed the train?

A. I presume that I didn't start early enough or didn't go fast enough; no breakdown on the road.

207. I see here a bill of \$9.50 for room occupied by Mr. W. H. Moyer at the Frankfort Hotel on July 20-22, 1920. Was that before Mr. Moyer began work for the institution?

A. My recollection is that it was incurred when Mr. Moyer at the request of the board came to Frankfort to meet the board and was entertained at the Frankfort hotel; that is my recollection.

208. You objected to me using the word entertained before. I am glad that you use it now.

A. Let it stand.

209. He came down here? Who paid the expense of his trip down here?

A. My recollection is that he paid his expenses and he was reimbursed by the State.

210. How much was it, do you recall?

A. \$70.00 or \$80.00.

211. Is it not a fact that when you are out of Frankfort you always charge your hotel and meals to the State?

A. Not when I don't incur those expenses.

212. But whenever you do incur those expenses?

A. Not when I am not on State's business.

213. When I see a bill here that is paid by the auditor in which you say hotel and meals so much, I suppose that is

where you charge it to the State. Don't suppose you are charging your personal accounts up to the State. Only the ones paid by the auditor do I refer to. I notice here whenever you go to Louisville, and I don't want to be captious with you, that you always go in a chair car or a Pullman; is that not a fact?

A. No, sir.

214. I see many of them.

A. I should like for you to examine them all, so that you may see how many there are. You stated that I have always ridden in a chair car.

215. Maybe not always. I see on one occasion you went to Louisville in a taxi, and there at Shelbyville you hired another taxi for \$13.50 to carry you to Louisville when there are traction cars running over there every hour.

A. I left here, I presume you are referring to one of the criticisms of the Examiner, Mr. James, which he made in his report. I didn't leave here in a taxi. I left here in the State-owned car from the Reformatory in the afternoon, fairly late in the afternoon, following a meeting of the superintendents that was held that day in my office. The occasion for my going to Louisville was to meet by appointment in conference with our medical staff of physicians, Dr. Abel, Dr. Myers and a group of eight men in Louisville who have been acting as the medical advisory staff to the board for the past year and a half. I had an appointment with them to discuss medical matters pertaining to the institutions; appointment was for 6:30 in the evening. This side of Shelbyville steering gear went wrong of our car and we with some difficulty jogged into Shelbyville. I knew I was bound to be late and so telephoned and made arrangements for a taxi—Ford car—to take me to Louisville and return to Shelbyville, expecting to find the other car ready for me at Shelbyville on my return. Mr. Chilton went with me. That was the occasion for that extraordinary expense.

216. But, Mr. Byers, could you not have taken a traction car and gotten there just as soon as you did get there by taxi?

A. I could not.

217. Don't they run every hour?

A. But it would not have taken me to Louisville in fifty minutes.

218. Do you tell me that a Ford car can go to Louisville quicker than a traction car?

A. Very much quicker.

219. You had to exceed the speed limit, then, didn't you?

A. Certainly did; at the risk of my neck.

220. Where is your home, here or at Louisville?

A. In Frankfort.

221. You go to Louisville nearly every week-end, don't you?

A. No.

222. I notice here that nearly every week-end you go to Louisville. Is that on business for the State?

A. I can't accept your statement that every week-end I go to Louisville. Every time I go I had business to transact with the board.

223. Along towards the latter part of the week I notice you go there. Is that not a fact?

A. Not more frequently than at other times.

224. I understand that. I see here where you sent a porter to Louisville with some papers; railroad fare \$4.60; breakfast 65 cents; dinner 65 cents; taxi 50 cents. Could that porter not have ridden in a street car?

A. I don't know the particular occasion.

225. It was on September 20, 1920.

A. He may have been sent with some rather important documents. On one or two occasions he was sent with samples of supplies for the purchasing committee at Louisville.

226. I am not asking you about all these. I just pick out one occasionally. Here are out of town trips: 13-20 of October,

inclusive; also the 21st, 22nd, 25th and 26th. All of those times you were out of Frankfort and whenever you are out I see you always charge your meals and hotel bills to the State?

A. I suppose that is a fact.

227. I just wanted to find out.

I see here you had a man, Mr. E. E. Bryant, came from Louisville to Frankfort and returned, October 20th; \$5.00. What was that for?

A. I can give you to the best of my recollection only. That was probably a man who had been sent for for an interview in regard to a possibility of his appointment as a receiver.

228. Did you employ him?

A. I believe not.

229. I see you have a chauffeur here, Frankfort to Louisville, \$6.00; gasoline \$1.53; October 2, 1920. What was the occasion of that? If that had been the Reformatory car, there would not have been any such charge.

A. I think I remember the occasion. It was necessary to employ a man here to drive the car. I think the car came from the Road Department. I think the man was given to me for that trip by the Road Department.

230. I see where they paid your membership dues in the American Prison Association in 1921; and they paid for both years, 1920 and 1921?

A. Probably.

231. Do you think that is right?

A. I think it is a customary thing that that should be done.

232. Did they pay any other lodge dues for you?

A. No.

233. I see that nearly always your meals are "breakfast, dinner, supper, \$1.00 each." Always the same?

A. Easier to pay the difference than to ask for a receipt.

My meals are usually more than a dollar than less than a dollar.

234. I can't myself get above the fifty-cent places.

I see here on October 2, 1920, you have gasoline and dinner for chauffeur charged up. Do you remember about that?

A. Necessary for the chauffeur to have his meals if I take him to Louisville. More frequently to Louisville and Lexington than elsewhere.

235. I see where you got on October 22nd a seventy-five cent meal; you and the chauffeur got one for \$1.50 together.

I see here in July, 1921—Did they send you to Philadelphia?

A. I think I went to Philadelphia and Boston.

236. Sent by the board?

A. I might say I was taken by the board.

237. Did they go with you?

A. Two members of the board.

238. I see on the expense sheet there breakfast 85 cents. I didn't know they were cheaper than we were; see you got a dinner for 65 cents?

A. I must have made a mistake.

239. This expense was paid for by the State the same as the trip South?

A. Yes.

240. I see here bill at Hotel Winston, Jacksonville, Fla., room, cafe, telephone, baggage, etc., and then a charge of \$2.00 for valet. What is the valet?

A. Is that valet not deducted from the bill, Mr. Drury?

241. Is it? It is on the bill.

A. If you will read on the bottom of the bill the \$2.00 is deducted.

242. Who deducted that?

A. I did.

243. Before it was presented?

A. Certainly.

244. Do you know anything about this automobile expense of the institution, Mr. Byers?

A. Of which institution?

245. Of the Reformatory. July 1, 1920, to October, 1921, not including the coal trucks, \$3,000. The institution also owns an old Hudson car, too, I believe, which has been an expensive proposition for repairs. Do you know anything about these various items for repairs?

A. I can only say that the vouchers for all of those expenses are in the office and would be glad to produce them for you if the committee wishes.

246. Do you know anything about the expense this board has been put to for printing in the last two years?

A. I cannot give you the figures but it has been considerable.

247. Isn't it a fact that they have spent twice as much in 1920 and 1921 as the old board did in 1918 and 1919?

A. I have not made any comparisons between the old board and the present board. The printing that was necessary to be done, it has had done.

248. Isn't it a fact that they have had \$5,902 printing as compared to \$2,841 the two years preceding?

A. I don't know.

249. I see that the parole agent who stays at Flemingsburg, J. R. Doran, goes home every Saturday night and comes back at the expense of the State Monday morning. Is that correct, at the expense of the State? Wherever he is he starts out and goes back on Saturday night and comes back perhaps to the same place on Monday morning and charges that up to the State. Here's the statement of the inspector:

"We find that Mr. J. R. Doran, who lives at Flemingsburg, made four trips to his home in August, 1920, and spent twelve full days there not counting the days on which he arrived or left home. His traveling expenses for that month

was \$145.23. During the month of September, 1920, his expense account showed that he made five trips to Flemingsburg, spent ten full days there that month not counting the days on which he arrived or left home. For that month his traveling expense was \$163.60."

Now, if he did not count the days that he arrived or left home, he gave the State of Kentucky ten days' service, and yet you paid him in full?

A. His itemized bill is there.

250. He draws his full amount of pay; stayed ten days at home; went home five days. If he worked all the other days and didn't take a Sunday off he worked ten days in the month?

A. I don't recall whether it was a vacation or not. I do recall that on or about that time I wrote to the parole agents about their traveling expenses and the amount of time they were not engaged in their work. It is a work which is very difficult to do; can be no stated hours to do it. They must go and do it when the call comes; can't work eight hours a day and stop as some other folks can, and it was a difficult matter to determine just how much time a man who was on the road day and night traveling, a very difficult territory to cover such as Mr. Doran, who covers a very big territory, going frequently on special hurry-up calls on directions from the office, it has been a difficult matter to determine how much rest time should be allowed such an officer.

251. I see in August he made four trips home; at home twelve days; he had twelve days in August, ten in September. Isn't that too much?

A. I thought so and wrote him to that effect.

252. Don't that indicate that you have twice as many parole agents as are needed?

A. That has been corrected, I think you will find out.

253. You approved August and approved September. I have not looked further.

Mr. R. N. Keys, who was employment agent, spent twenty

full days at home in July, 1920. His expense account for that month was \$59.83. He spent nine full days at home in August, 1920, not counting days on which he arrived or left home. His expense account for that month was \$106.23. In September, 1920, he spent eleven days at home, not counting days on which he arrived or left home. That month his expense account was \$110.78. Don't it strike you that you could get along with just about half the number and do the same amount of good?

A. The report does not indicate that Mr. Keys was discharged about that time, does it?

254. I don't know. Don't you think he ought to have been discharged in July before he laid off in August and September?

A. Probably.

255. I see that the annual average expense of these institutions for eight years up to the time that you took control was \$1,343,029.48; that was the average annual expense, including the wartime prices of '17, '18 and '19. But during the fiscal years 1919-1921 it amounted to \$2,039,338.95, or an increased annual expense over the average before that time of \$696,339.47, seven hundred thousand dollars more annually. Has the improved conditions been worth the price?

A. If that money had been spent it would have been worth the price. That amount of money has not been spent in excess.

256. In 1912, Mr. Byers, I happened to be a member of the Legislature, and the United States Government sent here a man inspecting prisons. I never shall forget his remarks. He said, "I want you to understand that I tell the facts as I understand them." He said, "you have an old institution and it is out of date, but it is the ablest managed one that I have ever known." That was Mr. E. E. Mudd. I was there in 1912. I have not been down there this time. I am confident that you will find it no better than it was in 1912. There

was the statement of a man sent out by the United States Government; not my statement; not my opinion. I am confident that the improvement has not been sufficient to warrant the expenditure of seven hundred thousand dollars more a year. This was taken from the auditor's report.

A. I am glad you mentioned the last, Mr. Drury. This matter was threshed out with the Budget Commission after it had made its report. I think the Governor will bear witness to this that when the budget was considered they were advised that the amount necessary, based upon the expenditures of public institutions in the recent years, was \$1,600,000, and that is probably correct so far as the auditor's books go; but the auditor's books do not reflect the total expenditures of these institutions except as to the penal institutions. The four charitable institutions were operated on an entirely different basis. They each of them were operated on an entirely different basis. Into their hands went not only the warrants for payrolls and maintenance, but all of the cash receipts, including the money for pay patients. That money did not appear upon the books of the auditor because it did not go to the auditor. That money was spent under the direction of the Board of Control. It was out of the accumulation of that money in the hands of the local treasurers raised from outside sources that this \$70,000 came from which was finally turned in to the auditor. When Mr. Craig came to my office late in June and asked for cash, I sent word to the local treasurers and had them send in the money in their local treasuries at once, so that it could be deposited in the auditor's office before the close of the fiscal year. This amounted to something over \$70,000.00. No appropriation has been made to maintain these institutions. They were being maintained on a per capita basis according to the law of 1901. In 1920 the Legislature made a deficiency appropriation of nearly two hundred thousand dollars. That was in addition to the per capita allowance already made according to law by the auditor during the

year. So that you cannot in justice present such figures as reflecting the total figures for expenditures as taken from the auditor's books.

257. We will take the one institution of the prison alone. I remember in 1912 when the Legislature had just put out Eli Brown and his bunch they cleared \$78,000 that year. The same institution this last year lost \$230,000. That is correct, is it not?

A. You cannot make those comparisons without taking into account the number of men in the prison during 1912 or any other period, if you are going to compare it with 1920 or 1921. You must take into account the prevailing price of commodities, the number of prisoners employed on contracts, and the per capita paid by prison contractors. All must be taken into account if any comparison is to be made. I think you might be interested in a little tabulation here beginning in 1916 that shows the Reformatory receipts and disbursements and the losses monthly. I want to submit this to the committee. That loss, beginning in July, 1916, runs by months as follows.

POPULATION 1,463.

	Loss
July	\$4,068.74
August	1,653.60
September	4,944.95
October	4,740.75
November	10,364.43
December	10,510.34

And for 1917 it runs as follows:

POPULATION 1,478

	Loss
January	\$9,585.35
February	10,897.45
March	19,867.56

April	9,686.49
May	13,587.12
June	6,052.31
July	10,303.75
August	12,369.71
September	11,252.59
October	7,917.89
November	13,647.35
December	18,999.80

And for 1918 the loss ran:

POPULATION 1,353

	Loss
January	\$16,468.64
February	13,948.06
March	17,664.22
April	12,051.54
May	6,437.50
June	8,553.67
July	3,395.80
August	18,205.19
September	24,180.86
October	15,595.76
November	15,427.73
December	14,518.81

In 1919 there was a profit in March and April of \$647.30 and \$708.23 respectively. The loss and profit by months was as follows:

POPULATION 1,088

	Loss	Profit
January	\$13,461.23	
February	9,323.47	
March		\$647.30

April		708.23
May	8,026.40	
June	1,522.44	
July	21,156.07	
August	19,324.49	
September	7,768.41	
October	4,194.36	
November	4,373.63	
December	10,882.15	

In 1920 there was a profit in April and May, respectively, of \$3,683.36 and \$933.45. Profits and losses by months were as follows:

POPULATION 1,199

	Loss	Profit
January	\$2,587.05	
February	12,121.15	
March	5,625.42	
April		\$3,683.36
May		933.45
June	14,990.94	
July	4,399.60	
August	7,844.32	
September	13,197.08	
October	5,326.90	
November	11,077.84	
December	19,505.90	

And for the first five months of 1921 the losses ran as follows:

POPULATION 979.

	Loss
January	\$12,004.91
February	4,449.48

March	3,150.07
April	9,246.69
May	6,984.55

Mr. Byers: continued.

If you are at all familiar what with the bookkeeping of the State of Kentucky has done in this instance you will see that it proves nothing. That there should have been an earning in one month and a deficit the next month proves nothing. The monthly showing does not prove anything finally. In January, 1920, with a population of 1,199 the loss was \$2,587.05. January 1, 1921, the population had dropped to 979, the lowest population they have had in that place in many years, I suppose. The loss for that month was \$12,004.91, which shows that the bookkeeping proves nothing at all.

I should also like to file with the committee a recapitulation of the expenses of the seven institutions and the State Board itself for the twelve months ending June 30, 1921, and also for the twelve months ending June 30, 1920, which will give you the total expenses of each institution for those years. Can supply it to you month by month if you prefer it. These sheets are recapitulations of the annual expenditures, showing the total expenditures of these institutions.

Mr. Drury: Let them be filed with the stenographer.

(Same are filed herewith marked respectively: "Exhibit X" and "Exhibit Y" and are attached to this transcript after the last page of the transcription, together with divers exhibits which were both read into the record bodily and referred to more or less in detail.)

By Mr. Byers:

I wish to call attention to what those recapitulation sheets show. They show the expenditures at each institution for personal service, salaries, wages, food, clothing, bedding, dry goods and notions, heat, light, power, water, coal oils and

grease and miscellaneous. This classification is presented showing in detail the money expended under the direction of the board amounting in 1921 to \$2,114,171.18 for all purposes, and the details of the expenses are on file in the office of the board and in the auditor's office, and any of the details which the committee wants are, of course, accessible to you, and these expenditures are supported by the necessary vouchers, the originals of which are on file in the auditor's office.

258. I will ask you if you do not know that as a matter of fact that what made the expenses so heavy on the Board of Control was a fire they had there, necessitating some very extensive improvements in 1918?

A. I know that according to the report of the State Board of Control, which was published by them, and which was printed last year and which was charged to our board and paid out of our appropriation and which cost for the printing \$600, according to the report of the Board of Control for 1919, they spent less than one hundred thousand dollars for all improvements, permanent improvements and new buildings. This board last year spent for new equipment and permanent improvements, which did not at all include the ordinary repair and upkeep and maintenance, it spent for necessary permanent improvements and new equipment \$141,000 and it didn't spend as much as it should have spent in order to do the work needed to be done.

259. Wasn't the complaint made before you took charge that there were too many employes in each institution?

A. The only complaint that was made was that they had too many of a certain kind in there.

260. Didn't you curtail at Eddyville?

A. If so it was done on the initiation of the warden himself. He had a reduced population.

261. Isn't it a fact that your population has decreased very materially here?

A. Yes.

262. Isn't it a fact that the old board only had 741 in their employe and you now have 805, office and institution employes, an increase of 64 people, and yet still the population has gone down very materially at both penitentiaries?

A. I would be glad to advise you that the population of the Reformatory today is about 1,250, possibly 1,270. The population of Eddyville is going up and will probably continue to go up. At the Eastern and Western Hospitals there are upwards of 1,450, and at the Central Hospital over 1,750. There has been an increase.

I should like to submit this other statement. It was difficult because the bookkeeping is not done as it was. It has not been easy to pick out the expenditures under the old board.

263. I believe you paid about \$5,000 for a new system of bookkeeping?

A. I think if you will investigate it you will approve it.

264. I don't know about that. cmfa hrdl hrdl

A. I give you this comparative report in detail. (Said report is set out in detail below.)

Statement showing office expenses of the State Board of Control (July 1, 1918-June 30, 1919) as compared with the State Board of Charities and Corrections (July 1, 1920-June 30, 1921):

Comparative Items.	Board of Control	Board of Charities and Corrections
Salaries	\$23,400.00(a)	\$13,941.96(b)
Traveling expenses	4,373.50(c)	2,157.99(d)
Printing	1,961.37	1,296.80
Repairs (typewriter)	14.25	See Mis. Office Exp.
Insurance	6,834.00	
Miscellaneous expenses	780.86(e)	212.98
Appraising property for In- surance		1,070.79
Printing Board of Control reports		685.20

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Postage	G	407.50
Telephone and telegraph	G	580.02
Miscellaneous office expense	G	555.00(Z)
Consulting Engineer, salary and expenses		2,104.18
	\$37,463.98	\$23,012.42
Parole officers' salaries		6,175.34
Traveling expenses, parole officers		1,683.75
	\$37,463.98	\$30,771.51

(a) Includes salaries of parole officers.

(b) Does not include salaries of parole officers. See separate item.

(c) Includes traveling expenses parole officers.

(d) Does not include traveling expenses of parole officers. See separate item.

(e) Includes postage, telephone and telegraph. Same shown as separate items under Board of Charities and Corrections.

(G) See miscellaneous general expense.

(Z) Premium on bonds, etc.

Original of said comparative statement is attached hereto at end of this transcript, marked "Exhibit Z."

265. Has the board made any contract for bringing water from the water system across the river to the dairy barn?

A. It has not. It has had an estimate submitted for the carrying of water from the power plant on this side.

266. But it has not let the contract?

A. It has not.

267. Mr. Byers, I believe you said that you always got when you could talent from Kentucky. Is it not a fact that you carried for some time, or rather Dr. Jillson, with our knowledge and consent, advertised in the medical journal pub-

lished in Chicago for a physician, either experienced or inexperienced, to come here and take work in connection with the hospital?

A. I knew that Dr. Jillson, as other heads, was having difficulty in getting physicians for their institutions, even though they had sought the aid of the medical associations, county boards of health and others who might be in a position to put them in touch with medical men of the State. I didn't have any knowledge of the character of the advertising that you spoke of.

268. Did he have any trouble in getting physicians to fill the places?

A. I think you should ask that question of the men who are hiring the physicians.

269. About this medical advertisement, I was reliably informed by a good physician that there were twenty-five or thirty doctors in the State who would have been delighted to get the places and were good men; but you say you knew nothing about this advertisement and that is all right.

A. No, I knew nothing about it.

270. You spoke about Dr. Jillson being from out of the State. You have had a great deal of trouble about him, have you not?

A. Publicity to the institution, yes.

271. Did you pay any attorneys' fees in the defense of Dr. Jillson?

A. Think not.

272. Did you know anything about the leasing of this farm at Eddyville?

A. I knew of it to the extent that I thought it was a very good move in order to give opportunity to prison labor on the farm, that is, a class that is better constituted for work on a farm than inside on contracts, under proper supervision, of course. I felt that the labor of the prison on the farm would give us an opportunity to raise more of the prod-

ucts that the institutions themselves need, food products, and that they had a farm there for many years. The farm owned years ago had been run as a prison farm, so I am advised. The 140 acres that were last leased by the board when the present board came into office, was costing \$12.00 an acre, but Mr. Chilton felt that even at that price, if necessary, the paying of such a rent was justified. I did not at that time hear of any complaint to the employes about prisoners on the farm at Eddyville.

I should like to say in connection with that farm, because in the questioning of the chairman of the committee you have raised the question of whether or not it is wise to transfer the hardened and incorrigible prisoners to Eddyville and then employ them on the farm there, that I take it the policy of the State in regard to Eddyville was established when Frankfort was made a State Reformatory. That was then in the minds of the Legislature to classify them that way. I understand that shortly after the passage of that act there were, in fact, a number of men transferred from Frankfort to Eddyville. But the Eddyville prison has now more room; it isn't so crowded as the Reformatory here. Two weeks ago there were 250 small cells occupied at the Reformatory by two men each. They are about $4\frac{1}{2}$ x $6\frac{1}{2}$ in size, length and breadth. I understand you have had some prison experience and don't need to be told about these things, Mr. Nelson, about having two men in one cell; creates an immoral condition in the institution that is hard to conceive of. The order of transfer was made some months ago primarily on account of congestion growing in the Reformatory and the ability of Eddyville to take care of the overplus.

273. Did you ever go over that farm at Eddyville.

A. No; never except by eyesight.

274. Do you know of any member of the Board of Charities and Corrections, or any member connected with

the State of Kentucky, that ever saw the farm except from across the river?

A. I didn't go with the members of the board and don't know about that.

275. Do you know of any one that went across the river and examined that farm for the board and made a report on it?

A. No.

276. Then that farm was rented by the board at \$2,500 per year, payable in advance, without any one of them ever going on it so far as you know?

A. Of course, the Warden, Mr. Chilton, was familiar with the farm, I presume.

277. Do you know of his having been across there?

A. No, but I assume that he has been.

278. Wasn't the farm rented before he knew anything about it?

A. I think he was advised when the matter was first taken up.

279. Didn't that farm rent two years ago when prices were high, when war prices prevailed, for \$1,500?

A. I don't know.

280. Was it not rented just before this at \$1,200?

A. I don't know.

281. What is this position of estimate clerk?

A. I think he has been on the payroll for at least a year.

282. What are his duties?

A. I will explain the system of buying. The contracts for the current supplies of the institutions, that is, the usual run of food and other supplies, are made upon bids requested by the board. Those bids are based upon the estimates given by each superintendent for his needs for the coming quarter or semi-annual period, whatever the period may be. As these estimates come in they are consolidated in the office, bidding

sheets prepared, specifications for each item attached, with all other necessary information, and they are mailed from the office three weeks approximately before the date of the closing of the bids, and they are mailed to any and all persons who have asked for them to be mailed to them in order that they might bid for the State's business. Would be glad to furnish you a list of these men. When those bids come in and are closed, it is the business of Mr. Clemmons, the estimate clerk, to tabulate the bids for the convenience of the committee, and the board then awards the contracts. The original bids are on file in the office. The tabulation is merely a convenience for the board in passing upon the contract. When samples are required they must accompany the bids, and the committee has the samples at hand when they pass upon the bids. As soon as the awards are made it is the business of the estimate clerk to see that the receiver for each institution gets a copy of the contracts. It is the receiver's business to see that the goods wanted and contracted for are ordered as needed and to certify on all orders to the board as to quality and amount of shipment made. The invoice of these goods as delivered is approved and certified to by the receiver who is a bonded officer, which come to the central office and there they are run through the bookkeeping department and the proper distribution of the items are made. After they are checked by the bookkeeper and approved, they go, after approval of my department, to the auditor for payment and the payment is made direct. The receiver is charged on the books with all of the inventory in the institution. Under the present system the receiver does not himself keep his stock ledger, but those stock ledgers are kept in the central office. They first contain the inventory with which he is charged. Then his approval comes through and is charged on the stock ledger. His only release from these charges is through a system of requisitions signed by the superintendent of the institution. Those requisitions, filed by the receiver, are sent to the central office and certified to by him that the following goods have been deliv-

ered by him to that department, which department receipts for the goods. Then he is credited for the balance of the goods which he has issued.

In addition to these contract supplies, there are of course, of necessity, supplementary purchases which must be made. There are many items which are not on contract. I expect that 80-88 per cent of the gross expenditures are on contract. There is lumber for repairs, hardware and numerous items, and the superintendents must make out a supplementary estimate of their needs; anything that they haven't in stock; anything that they need in their institutions; they must make a supplementary estimate of the quantity and price of that and their need for it. That supplementary estimate comes to the central office with the quotations that the receiver has received from firms as a basis for the prices to go by. We have endeavored in every instance to get as many supplementary estimates as possible, and these quotations received by the receiver shall be in writing and attached to the supplementary estimates of the receiver when sent to the office. It is the business of the estimate clerk to take these supplementary re-estimates of the receiver when sent to the office. It is the business of the estimate clerk to take these supplementary requisitions to verify the prices, to extend the inquiry for quotations, if it seems advisable or necessary to do so, and upon the basis that his action will come to the commissioner for final approval.

The only other avenue of expense so far as creation of expenditures of the institution is a petty cash fund that we give to each institution, varying according to their needs, running from \$700 to \$3,000 at the Reformatory, for payment of postage, express, salaries of guards going away, resigned or discharged, and for such merchandise purchases as cannot be foreseen, not for clothing or food, though it is sometimes necessary to make purchases of clothing. This petty cash fund is reimbursed monthly by the auditor. The superintendents are required to file receipts for all expenditures out of

this petty cash fund. These are sent on to the auditor each month, who audits the petty cash.

The jamb we got into over the furniture will no longer be possible, as the receipts come to the State Treasury and all of the accounts are audited by the auditor now.

283. Then if you buy any more furniture the auditor won't pay for it?

A. We will probably see about it before buying it.

284. And you would not go to Florida without seeing the auditor first?

A. If the board ordered me to go I think I would probably go.

285. You had a bandmaster at the Reformatory. How long did you have him there?

A. He was there under the title of guard but was really a bandmaster. I don't know whether they have secured a new bandmaster or not; been three or four months.

286. Have there not been some musicians sent to the penitentiary lately that could direct a band?

A. I have not heard of any very good ones in the last two years.

287. What did you let him go for?

A. I think you had better inquire of Mr. Bastin.

288. Did he inquire about employing him?

A. Yes.

289. You could not employ a bandmaster but could employ a guard and let him be a bandmaster?

A. I think the board could create the office if it wished.

290. I see you have a school teacher employed there. Have you not some one in the institution able to teach those not able to read and write? Some prisoners sent there who are well educated, who could do it?

A. The prisoners are doing all of the teaching.

291. But you had a teacher employed there. Why was that?

A. I presume the chief reason was this: that the State had up to the present given little concern to the work of the school at the Reformatory, and it was not until, well, a month or two after Mr. Moyer came that that school work was re-organized. At that time no one was employed but the prisoners themselves through their organization, the league, as it is called, and this league undertook to organize and direct the work of the school. I believe that that is a function of the institution, a duty that the State owes to these men to at least give hem reading and writing; and they have no right to delegate that work to prisoners, to any body of prisoners, to supervise and run, but it should be done officially; otherwise, such a man would have no responsibility.

292. Are there not good teachers in there who could assume that as part of their duties?

A. They are assuming it.

293. Then what is the need of employing any one?

A. The question would seem to indicate that there is no need to employ a superintendent of schools. But he is a superintendent.

294. What is his name?

A. I do not know.

295. You certainly know the name of the man who is superintendent of schools?

A. He was employed by Mr. Bastin, the superintendent.

296. You have never met him and don't recall his name? Ever been in the school lately?

A. Have not had time lately.

297. There is Prof. Threlkeld down there. Don't you think he could do the work?

A. My judgment is that Prof. Threlkeld is doing all that he can physically.

298. Would not the superintendent's position be all right for him?

A. I don't know.

299. Isn't the superintendent's position a professional teacher?

A. I believe he is.

300. Wasn't he a member of the last Legislature?

A. I don't know.

301. Didn't he help make this law.

A. I don't know.

302. Isn't his name McMorgan?

A. I don't know; I am not sure.

303. It strikes me that you would certainly know him and the character of work he is doing?

A. If I were running the Reformatory and had nothing else to do I would certainly know him.

304. This is your headquarters, is it not?

A. Yes.

305. That is really your office, is it not?

A. No; my office is in the Capitol.

306. This is your home, is it not?

A. Yes.

307. How often are you at the Reformatory?

A. Possibly once in ten days.

308. I understand that Mr. Bastin said he could not run it without you, but you say you have not been down there but once in ten days?

A. I didn't make such a statement.

309. It was said on the stand that Mr. Bastin said he could not run it without you. Who called your attention to the need of a superintendent down there? Did Mr. Bastin take it up with you?

A. My recollection is that I discussed it with Mr. Bastin and suggested that such a necessary step be taken.

310. After he took the step you have never investigated to see what kind of service he is giving?

A. It is Mr. Bastin's business to investigate his schools and every other kind of employees.

311. Did Mr. Morgan come from Garrard County, the home of Mr. Bastin?

A. I don't know.

312. Don't you know that that is a fact?

A. I have just said that I don't know.

313. Didn't Mr. Bastin tell you about him?

A. I don't remember. He may have, but I have no recollection of it.

314. Where did the bandmaster come from?

A. I don't know.

315. Is the teacher-superintendent listed as a guard?

A. Superintendent of Schools, I presume.

316. What is his salary?

A. I think it is \$1,800 a year.

317. Do you have schools at all times in the year?

A. I think it continued through the summer months.

318. Night school or daytime?

A. Has to be under the present system, where their time is under contract for a nine-hour day, it is necessary, if we have schools at all, that we have them in the evening, or at times when it will not interfere with their work.

319. You have schools then when?

A. After supper, about 5 or 5:30 to 8.

320. He works in the evening from 5:30 to 8. Is that the only time he works?

A. I think he also has supervision over the prisoners' mail.

321. Is that a part of his duties?

A. It is a proper part of his duties, the handling of the outgoing and incoming mail for the prisoners. I don't know that he teaches at all. He organizes the schools that must give instruction to nearly three hundred illiterate men.

322. Don't you think that there are plenty of teachers in

the prison to organize the school? If he don't come in contact with the prisoners themselves, why won't a prisoner do just as well?

A. That don't mean that he doesn't come in contact personally with the men. It means that he must examine these men when they come in to see what educational qualifications they have, if any. The work must be organized and classified and the teachers thus instructed.

323. How long has that superintendent been in the employ of the institution?

A. Three or four months.

324. Previous to that time who did the work?

A. The Mutual Welfare League.

325. The Mutual Welfare League is an organization of the prisoners themselves, is it not?

A. Yes.

326. How did they get along with that work?

A. I think they functioned fairly well; but I wish to say in explanation of when I say they functioned fairly well that it was an important part in the care and treatment of the men of the institution entrusted to the prisoners, and I think it is better to have an official to direct that work and not be by a prisoner who is not responsible.

327. Do you attend the meetings of the parole board?

A. I do.

328. I believe the recommendations generally come through you and the various wardens.

A. What recommendations do you refer to?

329. The recommendations for parole. Just explain the working of the parole system?

A. I should be glad if I could visualize the parole work to you. It cannot be done.

330. Where does the board have their meetings?

A. Invariably at the institutions where the men are to be paroled.

331. How many members generally there?

A. From two to three.

332. Are the paroles granted while there.

A. No; not granted while there.

333. Where granted, then?

A. Under the law must be approved by the Governor; subject first to the approval of the board and then the approval of the Governor.

334. Who else is present other than the members of the board?

A. As a rule only the committee.

353. And the warden of the institution?

A. Yes.

354. Is there a hearing of the parole?

A. There is in the hands of the committee to begin with as complete a history of the man as we have been able to get; both medical, family and community history; so that the committee shall know as fully as possible what the man is, where he came from and why he came. In addition to the record of the man as shown on the parole office files and in the prison records, disciplinary and otherwise, the man himself is called before the committee. The men are called automatically, that is, calling isn't dependent upon the application of the man himself. Under the law he becomes eligible for parole consideration; and at that time it is the aim of the committee, or as near that time as possible, to call him in person before the committee in order to give him an opportunity to make any statement that he may wish to make and to give the committee opportunity to question him and get its own personal opinion of the man.

The parole officers are used whenever a special case comes up, a difficult case; then it is the business of the parole officer to make an investigation in the community where he came from, get an expression of opinion of the crime in the community, and also his previous record, if any. In other

words, to get all available information concerning this man, and then to get an expression of opinion from the prison officials who are living with the man, the chaplain, warden and officers, and it ought to be from every guard in the prison intelligent enough to pass an opinion upon the man, as they work them during the day and should know them. Having all that information in hand the committee expresses its judgment as to the ability of that person to go out into liberty without violating his parole, and that is the basis of the parole, and there should be no other basis.

335. In considering the application of a man for parole, do you just consider the record and the probability of the man going out into the world and making an honest living? Don't you consider the nature of the crime?

A. I assumed too much in my statement, possibly, of that which is generally known—the character of the offense and of the prisoner, whether he has been confined previously in jail, workhouse, at Greendale, or the prison here or in some other State. In any of those three instances—jail, workhouse or Greendal, his parole is deferred a year for each previous conviction before consideration is given.

356. Do the prisoners have to apply or as a matter of right after the end of a certain time do they automatically come up for consideration?

A. Prior to April, 1920, the paroles seem to have been considered from the office of the board and not from the prison or the Reformatory. Personal pleadings by attorneys and others were permitted in those days; that is, outside influences, whether of family or friend or counsel were brought to bear upon the board in the granting of paroles. All of that influence has been stopped, because the board itself takes up for consideration the different cases as under the law they become eligible for consideration; so that the men themselves do not have to apply for permission to appear before the

parole committee. They come up automatically when the law specifies, because they have a right to parole consideration.

357. It is not a fact that the reason for the population of the Reformatory and Eddyville declining so much is due to the fact that the board has been very liberal with the parole system? Very liberal indeed?

A. I shall ask leave, Mr. Drury, to answer that question by submitting to the committee a classification statement of paroles that have been granted during the period from March 9, 1920, to February 1, 1922, which is near a two-year period, and during which time 482 prisoners were paroled. Of that number I cannot tell you off-hand, but a considerable number of that list would have been discharged sometime within that two-year period upon final completion of sentence. But I wish to call attention that among the 482 cases acted upon favorably and actually paroled by the Governor there were eighty-two sentenced for life, and that two of these men were later returned and held by the board for parole violations; not for the commission of any new crime but for violation of parole in their employment sufficient to justify their return. There are two at the present time waiting action of the parole committee; that is, they have been returned and when the committee reaches them they will have opportunity to come before the committee to make a statement as to why they were brought back. The committee will also make a statement.

Four additional have warrants issued for them but have not been located. In addition to these six there are two that are out of touch. Under the rules of the board every paroled man must have employment before he leaves the institution. That employment is made on a blank that is furnished employers— (Interrupted).

358. That has been the law for a long time. Isn't that an abuse of discretion, out of 482 whom the juries of their counties said should have served their life? That man possi-

bly just escaped the gallows, while one-fifth of the men you paroled were lifetimers?

A. The law of Kentucky states that a man convicted for life shall be eligible for parole when he shall have served eight years. The jury and the committing judge must have taken into account that that law was on the statute books and the possibility of the man being paroled in eight years.

359. Do you always parole a lifetermer at the end of his eight years?

A. No, in many instances we have not.

I will finish. The total number of eighty-one men who were possible parole violators is eight, or 10 per cent of the whole number. The number now making good on parole of these eighty-one is sixty-eight, or 90 per cent. Three of the men have been pardoned subsequent to the parole; that is, restored to citizenship, and two died who were at the time making good on parole. That is the case with eighty-one life men who have been paroled from the Reformatory and Eddyville. That is a higher ratio of successful paroles than is shown by any other classification of crime.

I have similar statistics here classification of those who have been sentenced for manslaughter, malicious shooting, cutting and wounding, rape, carnal knowledge, detaining female. Out of twenty-five sentenced for rape, carnal knowledge, or detaining a female, two have been reported violators, warrants issued for their arrest, one returned and held as parole violator and two out of touch. That gives twenty out of twenty-five who are making good on parole. Parole expired in case of one and one was pardoned.

By Dr. Welch:

360. Have each of those served their minimum time?

A. No man has been paroled, Doctor, who has not served at least half the term for which he was committed; that is the law. The indeterminate sentence law was repealed some time back; practically all the men are serving on a

definite sentence now. When the board began this work there were something over 300 men at the Reformatory who had never been considered for parole, although under the law they had a right to parole consideration running back as many as a dozen years and who, so far as the records available showed, had never been considered; in other words, they had been lost. That, I think, would account somewhat for the number of paroles that have been granted, but in the granting of paroles the committee has realized its responsibility in having these men returned to society. The committee has realized that for all these men, except those who have been committed for life, they are coming out of the institution either by parole or serving their sentences less good time, and it has seemed in many cases well to say to a man: "We will recommend you for parole because we think it is better for you and for the State to have a string to you when you leave this institution, and if you misbehave, run with bad company, gun tote, booze fight or anything of that kind, you will be brought back and you will stand to serve the full balance of your sentence with the loss of all the time you have earned." In other words, the committee has endeavored to make it as difficult for them to violate their parole as possible by imposing restrictions upon them. Five out of twenty-five came back.

By Dr. Welch:

361. You say five of these were returned?

A. No, Doctor; two were returned; five violated their parole.

I am asked to state by whom the warrants were issued. These warrants have been issued by the office here, approved or signed by the Governor and then placed in the hands of the peace officers, sheriffs or others of the State authorized to make arrests, and in those cases the Bertillon measurements and the photographs have been sent to the place where these men have probably gone.

362. I am asking you how many of those people that

you dismissed, those twenty-five, two of them you say were brought back?

A. Two of them had warrants issued against them; one has been returned and held by the board and two are out of touch; their whereabouts are not known.

363. That means that one-fifth of your bad men are still at large?

A. No; one-fifth of the paroles violated in this instance; three returned and two still at large.

The industrial times make it more difficult to get work; they lose their jobs and move to another place and often are getting along all right. They are restored to parole record just as soon as it is established that they were not endeavoring to break their parole. It is a returnable offense to leave a job without permission of the board.

364. Can you tell me whether that twenty-five are white or black?

A. I would be glad to give you that information personally in the office; haven't the information here.

365. The majority of those folks were black, were they not? That is a black man's crime.

A. I am not able to answer the question without going to the records. I don't believe it is fair to assume that the majority of them were black; certainly some of them were white; the names are not here.

366. You don't recall from your memory whether these people who are committed for this egregious crime were black or white?

A. Some were black and some white; I am not able to give you the proportion off-hand.

I wish to file as a part of my testimony the figures on paroles. The names I can secure if you wish.

367. Won't you procure the names of those who have been paroled for rape or having carnal knowledge of or detaining a female, and state whether white or black.

A. Yes, sir.

Said figures on paroles are as follows:

CLASSIFICATION OF PAROLES

March 9, 1920, to February 1, 1922.

Paroled from Eddyville and Reformatory.....	482
Known parole violators	39 or 8%
Possible parole violators (including known parole violators)	112 or 23%
Making good on parole (including those who have been pardoned, and whose paroles have expired)	370 or 77%

PAROLE VIOLATORS RECLASSED

(All of whom are included in above.)

Returned on new commitment	3
Returned and held by board	10
Returned awaiting action of Board	6
Killed resisting arrest	4
In jail awaiting trial on new charges	5
Warrants issued	11
	39

CLASSIFICATION OF PAROLES—ACCORDING TO CRIMES

Serving life sentences—total paroled	81
Returned for parole violation and held by Board	2
Returned for parole violation and awaiting action of Board	2
Parole violators — warrants issued (not located)	2
Known parole violators—total	6 to 7%

Possible parole violators (out of touch).....	2	
Possible parole violators (including known parole violators)	8 or 10%	
Pardoned, reports O. K.	3	
Died, reports O. K.	2	
Total	5	
Now reporting and doing well	68	
Total number making good on parole (in- cluding those pardoned and dead) (re- ports satisfactory)	73 or 90%	
Manslaughter—Total paroled		78
Parole violators returned on new commit- ment	1	
Parole violators killed resisting arrest.....	1	
Known parole violators	2 or 2%	
Possible parole violators (out of touch)	8	
Possible parole violators (including known parole violators)	10 or 13%	
Pardoned—reports O. K.	2	
Paroles expired—reports O. K.	9	
	21	
Reporting and doing well (including par- dons and expirations)	68 or 87%	
Malicious Shooting, Wounding and Cutting—Total paroled		21
Parole violator — warrant issued (not located)	1	
Parole violator—returned on new commit- ment	1	
	2 or 9½%	

Parole violators (out of touch) 2

Parole violators (including those out of touch) 4 or 19%

Parole expired (report O. K.) 1

Reporting and doing well 16

(Including one whose parole has expired)..... 17 or 81%

Rape, Carnal Knowledge, Retaining Female—Total paroled 25

Parole violators—warrant issued (not located) 2

Parole violator—returned and held by Board 1

3 or 12%

Parole violators (out of touch) 2

Parole violators (including known parole violators) 5 or 20%

Pardoned—reports O. K. 1

Paroles expired—reports O. K. 1

2

7

Reporting and doing well (including pardons and expirations) 20 or 80%

Grand Larceny, Burglary, Robbery, Housebreaking, etc.—Total paroled 174

Parole violators—returned on new commitments 1

Parole violators—returned and held by Board 7

Parole violators—awaiting action of Board.. 4

Parole violators—warrant issued (not located)	2	
Parole violators—killed resisting arrest	3	
Parole violators—in jail awaiting trial.....	4	
Known parole violators	21	or 12%
Possible parole violators (out of touch).....	40	
Possible parole violators (including known parole violators)	61	or 35%
Pardoned—reports O. K.	1	
Parole expired—reports O. K.	34	
		96
Reporting and doing well (including pardons and expirations)	113	or 65% 78
Car Breaking and Appropriating Property Possession		
Common Carrier—Total Paroled		10
Parole violators	0	
Possible parole violators (out of touch).....	5	or 50%
Paroles expired—reports O. K.	3	
		8
Making good on parole, including expirations	5	or 50% 2
Forgery, etc.—Total paroled		36
Parole violators—warrant issued	2	
Parole violators in jail awaiting trial	1	
Known parole violators	3	or 8 1/3%
Parole violators (out of touch)	6	
Possible parole violators (including known parole violators)	9	or 25%
Pardoned—reports O. K.	1	
Parole expired	1	
		11

Making good on parole, including pardons	_____	
and expirations	27 or 75%	25
Horse Stealing, etc.—Total paroled		16
Parole violator, warrant issued	1 or 6%	
Parole violators, out of touch	5	

Parole violators, including known parole		
violators	6 or 37%	
Making good on parole (including one who		
died and one whose parole has expired),		
reports O. K.	10 or 63%	
Auto Theft, etc.—Total paroled		6
All O. K., three paroles expired, reports satisfactory.		
Making good 100%.		
Miscellaneous, including arson, hog stealing, chicken		
stealing, having burglary tools in possession, utter-		
ing a bribe, bigamy, seduction, child desertion, con-		
federating, false swearing, etc.—Total paroled.....		35
Parole violators, warrants issued	1 or 3%	
Parole violators, (out of touch)	3	

Possible parole violators (including known		
parole violators)	4 or 11%	
Paroles expired—reports O. K.	3	

7

Making good on parole (including paroles	_____	
which have expired)	31 or 89%	28

The original report read into the record by Mr. Byers is attached hereto and marked "Exhibit No. 1."

By Mr. Byers:

I wish to submit a comparative statement of the per capita cost of the institutions under the State Board of Charities and Corrections during the years 1918-19, 1919-20, 1920-21.

Said statement is in words and figures as follows:

COMPARATIVE STATEMENT

Of per capita costs for the three years, 1918-1919, 1919-1920 and 1920-21, of the institutions under the control of the State Board of Charities and Corrections, based on daily averages, population and total expenditures for all purposes.

Institution	Year	Total Expenditure	Population, Daily Average	Per Capita Cost
Eastern State Hosp.....	1918-1919	\$299,319.99	1306	\$229.19
	1919-1920	347,874.02	1343	259.02
	1920-1921	310,028.76	1387	223.52
Central State Hosp.....	1918-1919	403,815.99	1638	246.53
	1919-1920	401,171.60	1630	246.12
	1920-1921	421,616.67	1672	252.16
Western State Hosp.....	1918-1919	295,044.93	1365	216.22
	1919-1920	348,643.57	1327	262.73
	1920-1921	334,697.34	1369	244.88
Feeble-Minded Inst.....	1918-1919	105,723.45	369	287.51
	1919-1920	130,950.61	437	299.66
	1920-1921	166,226.06	417	398.62
House of Reform.....	1918-1919	190,563.29	468	407.19
	1919-1920	233,506.69	452	516.61
	1920-1921	207,025.04	435	478.72
State Reformatory.....	1918-1919	355,430.45	1164	305.35
	1919-1920	352,573.43	1203	293.08
	1920-1921	427,177.39	†1101	*387.99

State Penitentiary.....	1918-1919	176,462.92	666	264.95
	1919-1920	174,994.26	458	382.08
	1920-1921	136,042.76	†373	†364.73

*Including expenses of all road camps (eight in number) amounting to \$94,168.07.

†There was an average of 45 men from the Eddyville Penitentiary supported in road camps and their maintenance furnished from the State Reformatory, which had direction of all road camps. This daily average population includes 1056 of Reformatory prisoners and the 45 from Eddyville, the latter not being included in Eddyville population.

Said statement above set forth is attached hereto and marked "Exhibit No. 2."

Mr. Byers also submitted the following statement of the revenue from convict labor and the expenditure therefor at the Reformatory and Penitentiary for the years ending June 30, 1919, 1920 and 1921:

REVENUE—CONVICT LABOR.

For fiscal year ending June 30, 1919.

STATE REFORMATORY.

Frankfort Chair Co.	\$21,092.90
Reliance Mfg. Co.	55,748.95
Hoge-Montgomery Co.	112,867.15
	\$189,637.00

STATE PENITENTIARY.

Myer-Bridges Co.	\$11,803.46	
Ky. Whip & Collar Co.	17,488.65	
Reliance Mfg. Co.	42,304.93	
	\$71,597.04	\$261,234.04

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EXPENDITURES.

State Reformatory	\$355,430.45
State Penitentiary	176,462.92
Total	\$531,893.37

REVENUE—CONVICT LABOR.

For fiscal year ending June 30, 1920.

STATE REFORMATORY.

Frankfort Chair Co.	\$21,521.22
Reliance Mfg. Co.	48,281.82
Hoge-Montgomery Co.	138,361.45
	\$208,164.49

STATE PENITENTIARY.

Myer-Bridges Co.	\$10,944.73
Ky. Whip & Collar Co.	19,306.40
Reliance Mfg. Co.	40,301.87
	\$70,553.00
	\$278,717.49

EXPENDITURES.

State Reformatory	\$352,573.49
State Penitentiary	174,994.26
Total	\$527,567.75

REVENUE—CONVICT LABOR.

For fiscal year ending June 30, 1921.

STATE REFORMATORY.

Frankfort Chair Co.	\$16,965.00
Reliance Mfg. Co.	27,888.58
Hoge-Montgomery Co.	79,719.53
*Road Camps	80,353.46
	\$204,926.57

STATE PENITENTIARY.

Myer-Bridges Co.	\$9,870.87	
Ky. Whip & Collar Co.	14,269.20	
Reliance Mfg. Co.	36,345.06	
	\$60,485.13	\$265,411.70

EXPENDITURES.

State Reformatory	\$427,177.39
Eddyville Penitentiary	136,042.76
Total	\$563,220.15

*Includes \$9,666.50 due for June labor, 1921.

Above statement of revenue from convict labor for the years 1919, 1920 and 1921 is attached hereto on three sheets and marked, respectively, "Exhibit No. 3a," "Exhibit No. 3b" and "Exhibit No. 3c."

By Mr. Byers:

You also asked for a six months' statement of receipts and disbursements at the Reformatory during the six months ending December, 1921, which I wish to file with the committee at this time.

Said statement is in words and figures as follows:

STATE REFORMATORY—RECEIPTS AND DISBURSEMENTS FOR LAST
SIX MONTHS OF 1921.

Date 1921	Receipts	Disbursements	Loss
July	\$19,105.29	\$59,951.67	\$40,846.38
August	12,300.24	40,621.74	28,321.50
September	11,021.43	38,574.35	27,552.92
October	30,137.04	39,027.02	8,889.98
November	21,091.13	33,193.61	12,102.48
December	12,236.56	31,811.48	19,574.92
	\$105,891.69	\$243,179.87	\$137,288.18

EXPENDITURES OF ROAD CAMPS.

July	\$11,294.69
August	9,269.05
September	9,037.82
October	6,427.04
November	4,565.86
December	3,545.95

\$44,140.41

Above statement is attached hereto and filed herewith, marked "Exhibit No. 4."

368. I see here two years ago, the last year of the Board of Control at Lakeland, that the per capita was \$229.19; under your control it went to \$259.02; Central Asylum remained the same; the Western Asylum went from \$216.22 to \$262.73; the Feeble-Minded Institute from \$286.51 to \$299.66; Houses of Reform went from \$407.19 to \$516.61. The only exception was the Reformatory, which dropped. Eddyville was \$264.95 and went to \$382.08. That was in 1920, with prices beginning to decline. In 1921, when sugar had dropped from 35 cents to 6 cents, and there had been a sharp decline in the price of bacon, flour and all foodstuffs, here at Lakeland the per capita only fell off \$6.00 from what it was before; at the Central Hospital it increased \$6.00; at the Western Hospital it increased \$18.00; the per capita at the Feeble-Minded Institute increased \$112.00, which was then \$13.00 more than it was under the Board of Control; at the Houses of Reform the per capita fell \$38.00 lower than it was but still was \$71.00 higher than it was the last year of the Board of Control. At the Reformatory the per capita increased the last year \$94.00 over what it was the year before and was \$82.00 ahead of the last year of the Board of Control. At Eddyville it declined \$18.00 but was still \$100.00 more than it was under the Board of Control; so that the per capita in every instance, regard-

less of the fact that the commodities have declined, is still higher than it was under the Board of Control.

A. I would like to submit to the committee contracts from——.

369. I think your board failed to keep the per capita down due to extravagance and along other lines. Regardless of the decline in the price of foodstuffs your per capita went up. You were getting your foodstuffs, cheaper, much cheaper the last year than the last year of the Board of Control, but your per capita was still much higher. How do you explain that?

A. In order to advise yourself as to why any necessity for the increase in the expenditures in these institutions you must see those institutions, if you are going to get any adequate idea as to the necessity for expenditures made in other lines than food. I would like to read to this committee a report of conditions at the Central State Hospital of August, 1920. Think you ought to hear it, and I know what those conditions were. Would like to read report of conditions at the Feeble-Minded Institute. These conditions were reflected in a less degree in all of the institutions. The Central State Hospital——

370. We will take that up later.

By Dr. Welch:

371. Do you know as to the health of the inmates of these different charitable institutions, whether or not they are as good now as they were heretofore?

A. I can speak generally and can give you the health statistics later. In answer to your question, generally, the condition of the health of the inmates of these institutions has been made a matter of prime importance. There has been a systematic physical examination of the seven thousand inmates of these institutions in progress. You know what a job that is with the facilities on hand. It is going on as rapidly as possible. They have all practically been given the

Wasserman test and the treatment for syphilis given where found necessary. The United States Board of Health and particularly the State Board of Health have co-operated to the last limit in an effort to remedy the health conditions. We find that about 70 per cent of the children at the Feeble-Minded Institute have trachoma. Through the work of the United States Health Service that condition has been remedied. They have had every preventative that could be given them from a medical standpoint for typhoid and other diseases. Their food has been scientifically and economically given. They are being weighed so as to know how that affects their health; not only the physical but the mental and moral health of the inmates of these institutions has been made a matter of concern by the board and the superintendents.

372. Do you know how many cases of pellagra exist in the different institutions?

A. No, I don't know, but I can get it for you.

373. And how many existed two years ago?

A. That is difficult to get. The records then were very meagre.

374. I am talking about the question of the existence of pellagra before and after the institution of your dietitian.

A. I will get the figures on pellagra at present but I am afraid I cannot get much information about conditions two years ago.

The session here adjourned until Tuesday night, February 14, 1922, to be held in the Senate Chamber as before.

The committee met again as scheduled on Tuesday night, February 14, 1922, in the Senate Chamber, at 7 p. m.

The first witness called was G. W. Thomas:

1. What is your name?

A. G. W. Thomas.

2. Where do you live, Mr. Thomas?

A. My home at present is in Frankfort; originally from Nelson County; came here in 1906.

3. Been living here continuously since that time?

A. No, sir; two years in Memphis.

4. Where are you employed at the present time?

A. At the Reformatory.

5. How long have you been so employed there?

A. Since September 1, 1920.

6. I have never spoken to you and don't know anything about your testimony, but word has come to me that you had some difficulty with a prisoner there at the Reformatory. If you had, just tell what it was, and all about it. I mean any recent trouble.

A. I believe it was last Friday week ago, the third day of the month. I had been working on the night shift since May. Some one from the prison telephoned to me to come over to the prison, that they wanted to put me on day duty. I went over and Mr. Bastin told me he wanted me to go down to No. 1 chair shop and he would assign me down there. He cautioned me that the men were loafing in what is called the dry kiln where the stock is dried out and told me to keep them out of there. I had only been there a couple of minutes when I saw two of them go in there. I followed them and told them I had orders to keep them out. One went out very readily. The other told me that he was going to warm. I told him that he would have to get out in the cane shop, and he made out like he was going to strike me. I didn't pay very much attention to it. He went out and when he got out on the platform he doubled up his fist in my face again. I shut the door and told him I would take him over to the superintendent. He went on ahead of me and when he got into the shop instead of going to the office he backed up against some old steam pipes. I told him to go on. He said he was going to warm. I reached hold of him and he struck me with his fist and I got almost

on my feet to strike him with my stick and he struck me again. When I went down this time I didn't know anything.

7. That was last Friday?

A. Yes, sir.

8. Was that the first time you were ever struck or hurt by a prisoner down there?

A. No, not the first time. I ought to say that I have never done very much work in the shops. The most of the time I have been there I have been in the clerk's office, either cell clerk or main office. Last summer I was on duty there in B cell house and I heard a commotion out in A cell house. I grabbed my billy; knew there was trouble of some kind; ran out and there was a negro going at another negro and also coming at a guard. I hit him with my stick and split it all to pieces and he stabbed me with a knife.

9. On either of those occasions did you have any weapon?

A. No, sir; nothing but a stick.

10. Do any of the guards carry weapons down there inside the walls?

A. Well, of course, I only know from myself and what the others tell me. But we are given our guns at 9 o'clock at night. The night men are in the cell houses. So far as the other men I could not say.

11. Would either of those instances have occurred if you had had a weapon?

A. I suppose they would, yes. The time that the negro cut me with the knife I expect instead of using the club I might have used the pistol.

12. Would he have struck at you with the knife if he had known you had a pistol?

A. I don't know about that. He is a very desperate negro; a negro called Jocky Burns; has two life sentences; doesn't care much who he hurts, I don't think. This other negro, this boy, it might be that he would not have assaulted

me if he had thought that I had a gun; could not say about that.

By Mr. Tachau:

13. I would like to ask you if in your opinion as a guard, having been at the Reformatory for a number of years at different times, is it better for the discipline of the institution for the guards to go armed instead of not armed inside?

A. I hardly know how to answer that question because sometimes—well, I don't know. I believe I would feel a little better if I had a pistol myself, but can't say about the discipline. I could not answer that question very well for really I have been in the shop only a short time. In there under Mr. Moyer four months, then put in the office in charge of the prisoners' compensation. Before that I was always in the clerk's office.

By Mr. Nelson:

14. Since that occurred you have never seen any member of this committee, have you?

A. I think not, Mr. Nelson.

15. I just wanted to say this for the benefit of yourself and Mr. Tachau and Mr. Byers and Mr. Bastin, that Mr. Thomas had nothing to do with his being brought before this committee, either directly or indirectly. Some of your officials down at the prison told me of this occurrence and I had him summoned before the committee.

Mr. J. P. Byers, recalled:

375. Mr. Byers, I believe you said you came to Kentucky on invitation to assist in the preparation of this law?

A. I did.

376. Who invited you?

A. Mr. Bingham and Mr. A. T. Hert, who is now dead.

377. How long had you known Mr. Hert?

A. I think I knew Mr. Hert first—it has been a great

many years ago. He was then superintendent of the Reformatory at Jeffersonville; probably along in '96 or '97.

378. And you have been acquainted with him and saw him off and on since that time?

A. Saw him occasionally.

379. Had you seen him recently before his invitation to come down? How long had it been since you had seen him when he invited you to come down here?

A. I saw Mr. Hert in New York in November, 1919.

380. By appointment or just casually you met?

A. By appointment. I had received a telegram from Mr. Bingham in Philadelphia asking me to go to New York to see Mr. Hert and I went. That was either in October or November, 1919.

381. And you came here at their invitation?

A. Yes.

382. When did you first come?

A. I think it was along the middle, possibly the 20th of November; approximately the time.

383. This board, then, was a conception of Mr. Hert and Mr. Bingham, was it not?

A. I am not qualified to answer that. I know they had in their minds the reorganization of the system of the institutions of the State with a view of eliminating the partisan feature of their control.

384. Mr. Bingham controls and owns the Louisville Times and Louisville Courier-Journal, doesn't he?

A. I presume he does.

385. This board is then very close to those two papers, is it not?

A. I would not say any closer than to any other papers of the State.

386. Then they are very close to the board?

A. I could not say.

387. They have supported the board, haven't they?

A. Yes.

388. Whether wise or unwise. And any one ever pointing their finger at that board receives the condemnation of that paper; is that not a fact?

A. I am not qualified to answer.

389. Even though trying to do his duty as a citizen of the State under the law?

A. I am not prepared to answer.

390. If he makes any reference to this board he arouses the ire of the Louisville Courier-Journal or Times, does he not?

A. I think only those who are running the Times and Courier-Journal could answer that. I certainly cannot.

391. Do you know Ray Blackburn?

A. Yes, I know him.

392. Was he ever in your employ?

A. He was a bookkeeper in the employ of the board.

393. Where did you get him?

A. He was recommended by the firm of Escott and Barnett of Louisville.

394. Where was he working at the time that you employed him?

A. I don't recall.

395. Of what State is he a citizen?

A. I don't know.

396. Where is he at the present time?

A. Unless he has escaped he is at the Reformatory.

397. Was he counted in this evening?

A. I hope he was.

398. When was he first committed to the Reformatory?

A. The date has gone from my mind, but it was shortly after his defalcation in office.

399. When was that shortage of his?

A. In the fall, possibly in November of 1920. I am only giving you my recollection.

400. How much was he short?

A. I think the total amount of shortage ran over four thousand dollars: it may have been more than that.

401. Was he under bond?

A. He wasn't at that time. That office had not been bonded.

402. Was he not a resident and a citizen of the State of Indiana?

A. Not to my knowledge.

403. You know he wasn't a native Kentuckian, do you not?

A. No, I don't.

404. Didn't and doesn't his mother at the present time live in Tennessee?

A. I don't know.

405. Does he not mail letters to his mother in Tennessee?

A. I don't know. I am not in a position to know to whom he writes.

406. When did he escape?

A. I would have to have the records consulted to get that.

407. He did escape from the Reformatory some months subsequent to his commitment there, didn't he?

A. Yes.

408. How long was he at large?

A. I think about three days.

409. Has he escaped more than one time?

A. Not to my knowledge.

410. I am going to ask you some more little things. I see that the contract with Mr. Bastin says that he should be furnished food by the State of Kentucky of the same kind and character as the prisoners; in other words, taken from the prisoners' commissary. Is that not a fact?

A. The general arrangement or understanding with the superintendents is that so far as the supplies furnished the

inmates of the institution are concerned the rule applies: flour, meat, potatoes, etc. They shall draw such rations.

411. But beyond that he shall pay for his own rations?

A. No, no such arrangement.

412. Then the pineapples and oranges and bananas that went to Mr. Bastin's home and not to the Reformatory went there by the consent of the board?

A. Yes.

413. Have you any estimate of whether or not the \$3,600 and the other items, to be specific residence and food and furniture and tableware and silverware furnished Mr. Bastin, exceeds the constitutional limit of five thousand dollars?

A. I have not.

414. Have you any way of checking up the amount and the cost of such articles as are used by Mr. Bastin, or do you charge him with it, just merely enter it on the books as delivered to him?

A. All on the books. The amount could easily be ascertained.

415. Then there is no charge but merely delivered to him?

(Question not answered.)

416. How many dietitians have you at the various institutions?

A. We have one dietitian for the State institutions.

417. One for all of them?

A. Yes.

418. She either issues her orders or goes around and examines?

A. Yes.

419. Does the lady visit the Reformatory?

A. Yes, sir.

420. Are the prisoners fed on diet suggested by the dietitian?

A. They are.

421. The same way at the other institutions?

A. Same way.

422. What is her salary?

A. \$1,800.

423. And traveling expenses?

A. Yes.

424. Any board or lodging furnished.

A. She would be taken care of at the institutions when she is on a visit.

425. Mr. Byers, were you able to get up the information for which I called this afternoon—the number of men working in the broom plant?

A. I have the information as nearly as I could get it. I endeavored to get in touch with the Hoge-Montgomery Company and I have this wire from Mr. Chilton: "Number of men employed on broom contract—fifty-three; average daily output, 150 dozen brooms."

The Reformatory books show weekly report of broom shop for week ending February 11, 1922: brooms manufactured, 1,285 1/12 dozen; days worked, 402½; average 36.8. The daily output on the basis of six days a week, 1,236 dozen, would be 206 dozen per day for sixty-seven men.

426. How much do they pay you per day for those men?

A. The Hoge-Montgomery people have two contracts, one calling for 400 men and one for 200 men. I file herewith detailed statement of prison labor contracts, giving number of men and the rate per day.

Said statement is in words and figures as follows:

CONVICT LABOR CONTRACTS

STATE REFORMATORY

Hoge-Montgomery Company:

Contract, 400 men, at 95 cents per day per man, beginning January 1, 1919, for period of four years. (Expires January 1, 1923.) Privilege renewal for four years.

Contract 200 men, at 75 cents per day per man, beginning June 1, 1917, for period of three years. Renewed for additional three years. (Expires June 1, 1923.)

Reliance Manufacturing Company:

Contract 400 men, at 50 cents per day per man (when total monthly output exceeds amount equivalent to average production of 1 1/6 dozen shirts, finished and packed for shipment, per man per day, an additional compensation of 40 cents per dozen shirts is allowed). Contract began June 1, 1917, for period of three years. Renewed for additional three years. (expires June 1, 1923).

Frankfort Chair Company:

Contract 40 able-bodied men at 85 cents per day per man, and 85 nonable-bodied men on piece price basis or 60 cents, beginning June 1, 1917, for period of three years. Renewed for additional three years (expires June 1, 1923).

These are the contracts in force at the Reformatory at the present time. For Eddyville the contracts are as follows:

STATE PENITENTIARY.

Reliance Manufacturing Company:

Contract 300 men at 67½ cents per day per man, beginning April 16, 1917, for period of three years. Renewed for additional three years (expires April 16, 1923).

Myer-Bridges Company:

Contract 75 men (and not more than 100) at 75 cents per day per man, beginning May 1, 1917, for period of four years. Contract extended May 1, 1921, until such time as same is terminated by the mutual consent of the parties, or until ninety days after the receipt of written notice by either party to terminate the same at rate of \$1.00 per day per man.

Kentucky Whip & Collar Company:

One hundred men at 80 cents per day per man, beginning

August 6, 1918, for period of three years. Renewed for additional period of three years (expires August 6, 1924).

Said convict labor contract sheet is filed herewith and marked "Exhibit No. 5."

Mr. Byers continued:

A. Before I leave the chair, may I furnish the committee with information that was asked for yesterday? The question of pellagra came up. I wired the superintendents. The answers I have received are as follows:

PELLAGRA

Feeble-Minded Institute

Hon. Joseph B. Byers,
Commissioner of Public Institutions,
Frankfort, Kentucky.

Dear Sir:

Re Pellagra.

Complying with your request, I am handing you herewith a report of pellagra cases of the institution since taking charge March 1, 1920.

- (1) There are no cases of pellagra in the institution.
- (2) There were no cases of pellagra in this institution two years ago.
- (3) In my opinion the present diet would not increase pellagra.

(4) When taking charge of the institution March 1, 1920, there were no records whatever of any cases of illness.

Certificates of death are bound in booklet form and on the back of several of these booklets I find a list of children who died, with the date of death and cause of same. Also on the envelop containing the commitment papers notation is made of those who died and cause of death.

Very respectfully,

(Signed) T. L. TAYLOR,

Superintendent.

EASTERN STATE HOSPITAL

Record of pellagra at Eastern State Hospital.

From records obtainable it appears there were deaths as follows from pellagra:

1919. Ten deaths.

1920. Four deaths.

1921. Seven deaths (four of the seven had been in institution one to three years).

1922. One death (to date).

Only one case at present in institution.

Pellagra is a disease that only shows up in hot weather, and there are no records on file to indicate exact number.

The very noticeable decline in the number of sporadic cases is attributed to proper diet.

(Unsigned.)

CENTRAL STATE HOSPITAL

Mr. Joseph P. Byers,
Commissioner of Public Institutions,
Frankfort, Kentucky.

Subject: Pellagra.

Dear Sir:

Replying to your inquiry of even date concerning subject above captioned, would advise that during the calendar year 1920 four white patients were admitted to this hospital having active symptoms of pellagra. During the calendar year 1921 three white patients were admitted to this hospital having active symptoms of pellagra. No cases are known to have originated in the institution either during 1920 or 1921.

One case remains at the hospital at the present time and is recovered from this disease. One patient died from general paresis, and the other five patients were paroled to the care of their relatives or friends as soon as their mental condition made it practicable to do so.

All cases, including the one who died, showed prompt

improvement of symptoms of pellagra as soon as special attention was given to the regulation of their diet, and the death which occurred was in no way attributable to nor complicated by pellagrous symptoms, which had entirely subsided for some time previous to her death.

Respectfully,
(Signed) WALTER A. JILLSON, M. D.
Superintendent.

WESTERN STATE HOSPITAL
Western Union Telegram.
Hopkinsville, Ky.
1:45 P. M., Feb. 14, 1922.

Jos. P. Byers,
Commissioner Charities and Corrections,
Frankfort, Ky.

Number pellagra patients February 14, 1922, twenty-three; records incomplete for February, 1920, but had approximately thirty-five. Present diet is materially decreasing number pellagrines.

(Signed) W. W. DURHAM,
Superintendent, W. S. H.

STATE REFORMATORY

From W. H. Evans, Prison Physician,
To H. S. Bastin, Superintendent.

Subject: Pellagra.

1. In reference to your inquiry concerning the above mentioned disease, I desire to state that, to my knowledge, there is not a single case of this kind in the institution. However, if such a disease did exist in this institution I am sure it would have been brought to my attention.

2. In going over the physicians' report from July 1,

1917, to June 30, 1919, I see no record of any disease of this character mentioned as having existed here. However, from records which were at my disposal at the beginning of my work here I am unable to see how a definite conclusion could be drawn as to what diseases did exist or did not exist in this institution, as no routine physical examinations nor histories were made and the records consisted of only that data which had been gathered together during the stay of Dr. Roemele. These consisted mainly of laboratory reports, correspondence and records of syphilitic treatments.

3. The food which is being served to the inmates of this institution is of the best variety and is prepared and served in the most sanitary and palatable manner. It is also a well-balanced mixed diet of such variety that I am certain no deficiency disease could result from its long continued use.

(Signed) W. H. EVANS.

STATE PENITENTIARY

Western Union Telegram.

Eddyville, Ky.

11:38 A. M., Feb. 14, 1922.

Joseph P. Byers,
Commissioner of Public Institutions,
Frankfort, Kentucky.

We never had but one case of pellagra in this institution, William O. Riley, white man, Breckinridge County, and he had disease when received, February 22, 1919; died September 23, 1919. Don't know that present dietary has any effect on this disease, but think adoption of dietary one of the best things done by present management both from standpoint of economy and welfare of inmates.

JOHN B. CHILTON,

Warden.

STATE HOUSES OF REFORM

The records of the Houses of Reform at Greendale show

there has been no pellagra in that institution since January 1, 1920.

Prior to that time the records are incomplete, and it is impossible to furnish any figures.

(Unsigned.)

Said reports are attached hereto marked, respectively, "Exhibit 6a," "Exhibit 6b" and "Exhibit 6c."

By Mr. Byers:

May I submit also the records of the twenty-five parole cases, with their classification, who had been convicted of rape, attempt to rape, carnal knowledge of female under sixteen and detaining a woman?

Let it be filed.

Said statement is in words and figures as follows:

PAROLE RECORDS

Men paroled for Rape, March 9, 1920, to February 1, 1922.

RAPE

Paroled—colored	3
Paroled—white	1
	4

SAME—ATTEMPT TO RAPE

Paroled—colored	1
Paroled—white	3
	4

SAME—CARNAL KNOWLEDGE OF FEMALE UNDER 16

Paroled—colored	5
Paroled—white	2
	7

SAME—DETAIN A WOMAN

Paroled—colored	4
Paroled—white	6
	10

TOTAL OF ABOVE

Paroled—colored	13
Paroled—white	12
	25

Same is filed herewith and marked "Exhibit 7."

427. I don't want to appear as being penurious but could not and is not any reputable physician as good a dietitian as the lady you employ and would he not be and should he not be as a practicing physician?

A. I would not think so.

428. Isn't a physician supposed to know those things if he is going out in the world to practice upon the ills of humanity?

A. I don't know that physicians as such particularly qualify themselves as dietitians.

429. To take a course in that does it require knowledge of anatomy and materia medica and other things required of a doctor?

A. That would be very good but it requires mainly knowledge of food, food value and the preparation of foods.

430. Doesn't a physician take a course in chemistry and those same things, and then if they need a dietitian, don't the general public need one?

A. I think the general public would be benefited if they had one. As to the qualifications of a physician, you must excuse me, for I have never studied medicine.

Dr. Walter A. Jillson was introduced at this point, and after being duly sworn, testified as follows:

1. Please state your name.

A. Walter A. Jillson.

2. Where are you employed?

A. At the Central State Hospital, Lakeland.

3. How long have you been so employed?

A. Since August 28, 1920.

4. Where were you born, Doctor?

A. Orange, Mass.

5. How old are you, Doctor?

A. Nearing 41.

6. Where were you educated?

A. In public and high schools of my native town and in Boston University.

7. Where did you obtain your degree in medicine?

A. Boston University, School of Medicine.

8. When did you receive that degree?

A. June, 1905.

9. Where first enter the practice of medicine?

A. Went temporarily to Trull Hospital, Bedford, Me.

10. How long did you remain in Maine?

A. Nearly three months.

11. Where did you go then?

A. I next located in Gardner, Mass.

12. In the general practice?

A. Yes, sir.

13. When did you locate there?

A. October or November, 1905.

14. How long did you practice there?

A. Four years and a month.

15. What was the character of practice you engaged in?

A. General practice.

16. When did you leave there?

A. December, 1909.

17. Where did you go?

A. Took post-graduate work in Flower University in New York City.

18. How long were you there taking that course?

A. Nearly three months.

19. What did you study in the taking of that course?

A. Just general hospital experience. It was particularly an emergency hospital.

20. Where did you go then?

A. To West Port, Mass., State Hospital.

21. In what position?

A. As assistant physician.

22. In the handling of what character of patients?

A. Mental.

23. How long were you there?

A. Seven years.

24. When did you leave there?

A. Along the middle of March, 1917.

25. Why did you leave there?

A. To go to Colorado with a view of locating in the practice there.

26. How long did you stay in Colorado?

A. I was called into the service, into the army while in Colorado.

27. When did you go into the army?

A. Was in twice. The first time was called into service four days after war was declared under my old commission in the Medical Reserve. Ordered to duty at Fort Logan, Colorado. Remained until expiration of old commission by law, June 3, 1917. Then returned East to attend to some personal and business affairs, awaiting call under the new commission which had been tendered me before I left the service the first time, and was again called into service August 11, 1917.

28. Where were you inducted into service?

A. First ordered to Camp Greenleaf, Fort Oglethorpe, Georgia.

29. What rank did you have?

A. First Lieutenant.

30. How long did you stay at Fort Oglethorpe?

A. I think it was the 21st or 22nd of October of the same year.

31. Then where did you go?

A. Camp Pike, Ark.

32. How long did you stay there?

A. I was attached at Camp Pike until the first of March, 1918, but during that period was away on special duty on two occasions; one to go with a troop train to New York City for about two weeks. Next for a month on special duty at Chicago receiving with eight others from the camp a special course of training on fractures and dislocations at Rush Medical School and at Cook County Hospital.

33. Then where did you go?

A. Went to Camp Dodge, Iowa.

34. How long did you remain there?

A. Until June 9, 1918.

35. Then where did you go?

A. Ordered to some sort of duty at Camp McArthur, Waco, Texas.

36. How long were you there?

A. Until the latter part of August, 1918.

37. Then where did you go?

A. Ordered overseas.

38. When did you land in Europe?

A. September 28, 1918.

39. Where did you go or where were you sent then?

A. Assigned to duty at Base Hospital 117, the so-called neurosis hospital. I should state that from the time that I was ordered to camp in Iowa my sole work was in neuro psychiatric work.

40. How long did you stay at the base hospital?

A. Until it closed; left in January, 1919.

41. Where did you go then?

A. Was ordered to duty at Base Hospital 214, the mental hospital of the A. E. F.

42. How long did you remain there?

A. Until along in the middle of March, 1919.

43. Then where did you go?

A. Ordered to this country; ordered to return with a convoy of mental patients coming to this country, returning first to Karawan (?) outside of Brest and waited there twenty-eight days and sailed on the Leviathan, arriving at Hoboken July, 1919.

44. When were you discharged? Were you in the service any longer?

A. Was granted ten days' leave of absence, following which was ordered to report to Fort Benjamin Harrison, which was the mental general hospital in this section of the country.

45. How long did you remain there?

A. Until discharged from the service on July 6, 1919.

46. What was your rank at the time you were discharged?

A. First Lieutenant.

47. The rank you held when you went in?

A. Yes, sir.

48. Then where did you go?

A. To Colorado Springs.

49. What did you do there?

A. Engaged in the general practice of medicine.

50. How long did you remain there?

A. Until the latter part of December, 1919.

51. Then what did you do?

A. Returned East to attend to personal and business affairs and then on January 15th received a call to be chief of the neuro psychiatric section of the United State Public Health Service at Cincinnati, Ohio.

52. How long did you stay there?

A. Until August, 1920.

53. Why did you sever your connection with that work?

A. To go to California to locate in practice there.

54. Were you then with the United States Public Health Service?

A. It was either August 17th or 18th, 1920. Was chief of the neuro psychiatric section, my territory taking in Ohio, Indiana and Kentucky.

55. Did you resign?

A. I did.

56. Did you make any attempt to enter that service any more?

A. No, sir.

57. Then where did you go?

A. While packing up to go to California I received a call to go to Lakeland.

58. When did you go there?

A. August 28, 1920.

59. And you have been there ever since?

A. Yes, sir.

60. Doctor, have you some parties working for you there which you call social workers, who look up the family history and records of the inmates?

A. I have on my payroll a lady who is designated social service worker.

61. What is her salary?

A. \$60.00 a month and maintenance.

62. Does her work keep her there or is she supposed to travel?

A. In the field chiefly making contact with relatives and friends of the patients and ex-patients of the hospital.

63. What is her name?

A. Mrs. Sands.

64. Where did you get her?

A. Recruited from the attendant personnel.

65. There?

A. Yes, sir. In the service when I came there.

66. Do you know where she came from?

A. I don't know positively. Her husband belongs there also and is from Kentucky, but I think she came from Massachusetts. Think she met her husband in Washington doing war work.

67. She travels over the State and looks up patients of the institution?

A. That is part of her work.

68. Doctor, is insanity hereditary?

A. Some types, not all.

By Mr. Vest of the committee:

69. Are you a dietitian?

A. I would hardly say that I was. I have such knowledge of dietetics as a physician generally has; but not especially skilled.

By Mr. Nelson, chairman of the committee:

70. If you had a sick boy would you not think yourself able to prescribe what that baby should eat?

A. Undoubtedly.

71. Don't you think you are able to prescribe what one of the inmates of your institution should eat?

A. Certainly.

72. Why should the State pay for a dietitian when you are capable of doing it?

A. Because it improves the service. You must remember that the superintendent of any institution has many duties. For the same reason that I employ a chief engineer to look after my engines. I know something about engines but I haven't the time for that. For the same reason I employ a dietitian to supervise and look after the food.

73. When you came to Lakeland as superintendent you had one secretary, had you not?

A. Yes, sir.

74. How many stenographers?

A. Three.

75. Do you keep those three stenographers busy?

A. More than busy; way behind on their work.

76. What kind of work?

A. Medical history, besides general correspondence.

77. What do you pay these stenographers?

A. Two stenographers at \$75 and maintenance and one stenographer at \$45.

78. What salary are you receiving, Doctor?

A. \$300.00 per month and maintenance.

79. Do you know what the heads of the other institutions are receiving.

A. I could not tell you other than by hearsay.

80. What is your hearsay?

A. I would rather not say because it is probably incorrect.

At this point Dr. Milton Board was introduced as a witness, and after being duly sworn, testified as follows:

1. Please state your name.

A. Milton Board.

2. Where do you live?

A. Louisville.

3. What is your age?

A. 51.

4. What is your profession?

A. A physician.

5. In what line of work are you engaged at the present time?

A. I have charge of the mental and nervous department for the Louisville United States Veterans' Bureau. I am a commissioned officer in the United States Public Health Service assigned to Louisville.

6. What rank in that service?

A. Surgeon; corresponds to rank of major; same pay and provisions.

7. Did you have any connection with the United States army in the late war?

A. Yes, for two years and ten days; at Camp Taylor.

8. There all the time?

A. All the time.

9. When did you enter that service?

A. August 30, 1917.

10. What rank?

A. Major.

11. When were you discharged from that service?

A. September 10, 1919.

12. With what rank?

A. Lieutenant Colonel.

13. What experience have you had in the care and treatment of the insane?

A. Have devoted the last eighteen years of my life in various capacities, first as superintendent of the Hopkinsville Asylum eighteen years ago; then was a member of the first Board of Control in this State; for eight years owned and conducted a private sanitarium in Louisville; that, with my military experience, now covers my service.

14. Are you acquainted with the doctors of Kentucky, and are any of them qualified as physicians in our hospitals?

A. I suppose I have as large an experience with them as any man in the State, unless it is the elder Dr. McCormack. I know a great many of them. I know quite a number of doctors in Kentucky that I would consider eminently qualified for the position of superintendent or assistant physicians; quite a number of them I expect would not be available; that is, they would decline to accept such positions. I am of opinion that any well educated, sensible physician, with fair administrative ability, good habits and character, who is young enough, and I would say that he should in any case not be as much as

fifty years of age, could qualify for one of these positions. In fairness to him and the work he should have some special training which would add very much to his qualifications.

15. Would you mention certain gentlemen who are qualified?

A. Dr. H. P. Stites, of Paducah, has been a very successful physician and business man and was a good superintendent of the Western State Hospital for some years; was first an assistant there.

There is a Dr. J. M. Ferguson, who is now in the United States Public Health Service; lives at Central City; was in the army neuro psychiatric work; entered as a lieutenant; discharged as captain.

Then there is Dr. E. L. Dravo, connected with our office, who has been, I think, five years in one of the Pennsylvania institutions; was raised in Jefferson County, Kentucky; is a young man of excellent qualifications; would make either a good superintendent or assistant, of course.

There is a Dr. Earl Mooreman, who was a lieutenant and captain in the army; was chief of the service at Fort Benjamin Harrison; has also been an assistant at the State Central Hospital in Indianapolis. Is now with the United States Public Health Service Hospital at St. Louis. He is an especially well qualified man.

In Louisville, Dr. John Moran, Dr. Curran Pope, men of marked ability; Dr. W. E. Gardner, one of the best superintendents that the State ever had, in my judgment.

Up at Lexington there is Dr. Sprague, who for many years has conducted an institution very successfully. There is a Dr. Mulligan, too.

I might mention others, for there are quite a few others.

16. You said you served in the army as a physician and as a major and came out a lieutenant colonel. While in the army did you come in contact with many men engaged in the medical profession in the service?

A. Oh, yes.

17. From your experience tell whether or not men who went in that line of work were usually or not usually promoted from their rank?

A. Well, some of them were; some of them were not. I have seen men get promotions that I did not think deserved them and have seen others fail to get them that did deserve them. As a rule I think that most men who made good in the service received some promotion, but not always.

18. Are you acquainted with the conditions at Lakeland now and the conditions at Lakeland two or three years ago?

A. I have had no official connection with Lakeland for about thirteen years, since my time was out on the board. For a number of years I taught at the University of Louisville and took my class to Lakeland to hold clinics; had some familiarity with the institution. For the past year I have been out at Lakeland only a few times. A part of my duty is to make examinations of ex-soldiers at Lakeland, but as a rule the superintendent sends those patients in to me as a matter of convenience and I seldom go there; have been there but three or four times during the past year.

19. Has there been any marked change in the conditions at Lakeland noticeable to you?

A. I think in the last three or four probably six months I have noted an especial improvement in the character of records produced, indicating a more thorough examination than formerly obtained. I might say that I made some complaint as an officer of the Government some months ago to the board, or rather through the Cincinnati office, which reached the board and reached the superintendent, as to the character of records furnished and examinations made, and whether as a result of that, or because the system is working better, I don't know which, in all fairness I would say that there has been a very marked improvement in the records furnished.

They have recently in the last few months begun the administration of salvarsan, a treatment of syphilis. That seems, as I noted it, to have only been begun at Lakeland during the past three, four, five or six months.

Take conditions there now as compared with the day of Mulligan and Gardner, as I see it I don't think they are in any wise improved. As compared with the Stanley administration or along about that time, I think they are improved.

I have been especially impressed with a Dr. Keith's work there. I don't know him but he impresses me through his work as a very able and conscientious man.

20. In the administration of that drug for syphilis, tell whether or not it requires a doctor of special training or whether or not a physician in general practice might not soon be able to take it up.

A. A young physician in general practice could soon acquire the technique. Older men do not seem to learn it so well. During my time on the State Board of Health in connection with Mr. Byers we put in that treatment on a very extensive scale at Greendale and at the Reformatory here and at Eddyville. The physician at Eddyville was a middle-aged man and he did that work very well. As I remember, the board had two men here, elderly men who were probably very good men to pass on whether a convict was able to work, capable of passing on whether he was able to work, but they didn't have the ability to do this, which is rather technical work, properly, and I advised Mr. Byers to get somebody on the outside to have it properly done. It is a young man's work; at least, a comparatively young man.

21. Doctor, have you any—how many patients has the United States Government at Lakeland?

A. Dr. Jillson could answer that better than I could. I think about eighty.

22. Do you know Dr. Jillson and can you state what has been your observations of him and his work at Lakeland?

A. I have not seen Dr. Jillson but three or four times. My acquaintance with him is very limited. He has impressed me as a conscientious man, not very familiar with Kentucky or Kentucky conditions and sometimes perhaps a little tactless, a man I think of fair ability who is seeking to do his duty. That is the impression he has made on me; have had only three or four conversations with him.

23. Know anything about his disposition?

A. No, sir; nothing at all.

24. Based upon your experience and observation, what do you think of the present Board of Charities and Corrections?

A. I don't know that my opinion is better than that of any one else. I think the Governor of this State and the Legislature of two years ago are to be commended by the people of Kentucky for the passage of the present law creating what is known as the State Board of Charities and Corrections. I think it as a long step in the right direction. I think experience has shown both political parties in Kentucky that State institutions are a political liability instead of an asset. I think it will be a long time before any political party in Kentucky will attempt to put the institutions back into party politics.

I think the Governor made a few mistakes—merely my personal opinion, may be due to the fact that I am a doctor myself—in the selection of his board made up of representative and successful citizens of Kentucky; think that he would have had a stronger board and better board, in view of the fact that both in the State hospitals and in the prisons those problems are so largely medical, if he had put on his board some such men as John J. Moran, or Curran Pope, or Dr. Sprague, or Dr. Gardner, or Dr. Mulligan, or Dr. Sites. I think if in addition to that he had put on some such men as M. M. Conway, of Louisa, or Henry T. Lawrence, I believe a member of this House, men of practical experience in insti-

tutional work, I think he would have had a stronger and better board. That is no reflection on the personnel of the board, but these men are men of practical experience along that line. Think the State would have profited by the placing of such men as that on the board.

Dr. Jillson recalled.

81. Dr. Jillson, will you state whether or not you carried an advertisement in the Medical Journal of Chicago some time past for some time in which you were inquiring for medical aid, either experienced or inexperienced?

A. Not only true but will present the advertisement which was but one of five. It ran for eight weeks in the Medical Journal. This is the medical journal that goes to all the medical men of the country.

82. Is this the advertisement: "Wanted: Physician, male, unmarried, experienced or inexperienced in psychiatric work, splendid opportunity for advancement; give references, education, training and experience in first letter. Inquire Superintendent, Lakeland, Kentucky."

A. That is the advertisement; yes, sir.

83. Did you make an effort to secure any one of the skilled physicians in that line in Kentucky?

A. I have.

Dr. Board re-introduced.

25. Is there any other statement you care to make, Dr. Board?

A. Don't care to make any statement at all; am quite willing to answer any question.

Further statement by Dr. Jillson:

A. In answer to that advertisement, which is issued to probably every progressive physician in Kentucky the same as it is throughout country, I had forty-six inquiries over a period of eight weeks; inquiries, not applicants, of which three only were from physicians resident in Kentucky. Two of them were family men whom I could not accommodate be-

cause we have no accommodations for family men. One of them did not answer though I wrote a favorable letter to him that I would be glad to talk with him about the matter; didn't answer either of my letters to him. The other man was my second choice of a physician provided the one whom I had tendered the appointment to failed me, as he actually did, and is now a member of my staff.

84. Did you carry that notice in any paper published in Kentucky?

A. No, sir. I discussed that subject in times past with the doctors—and they assured me that they would do everything they could to put me in touch with physicians who might be interested.

Statement by Mr. E. S. Tachau in regard to making physical examinations of all patients in insane asylums in the State:

We have a medical advisory staff composed of Dr. G. H. Day, Dr. Irvin Abel, Dr. Sidney Myer, Dr. A. L. Bass, Dr. S. S. Watkins, Dr. John Moren, Dr. Stuart Graves and Dr. A. T. McCormack. I recall that at a meeting we had some time ago this staff requested that physical examinations be made of all patients in the insane hospitals. I was there as a representative of the board. Mr. Byers was also there, and they requested that we get some physical men in there, that is, physicians for making physical examinations of men in the hospitals. I reported that to the board and we asked this medical staff to name three physicians in Kentucky to make this. I inquired of one of them the other day, about ten days ago, and he said no appointments had been made.

372. How is that advisory board appointed?

A. Not appointed.

373. On whose suggestion, then?

A. Dr. George Day took the subject up with us originally, offering his service to encourage the salvarsan treatment and brought to us the names of these men as a voluntary

advisory board who would go around and organize local consulting staffs who would do their work free of charge. Their work was all to be voluntary.

At this point the committee adjourned sine die.

Meeting of the committee held at 4 p. m., Friday, February 24, 1922, in Senate Retiring Room, State House, Frankfort, Ky.

The deposition of Dr. Lindsey Morrison, taken by agreement at the time and place above mentioned. The witness being first duly sworn, testified as follows:

1. What is your name?

A. Lindsey Morrison.

2. Where do you live now?

A. Louisville, Ky., 206 West Walnut Street.

3. Are you a practicing physician?

A. Yes, sir.

4. How long have you been practicing?

A. Since June, 1900.

5. Of what school are you a graduate?

A. Hospital College of Medicine, Louisville; all now merged in the University of Louisville.

6. What is your age?

A. 47.

7. You graduated there in June, 1900?

A. Yes, sir. And immediately filed my diploma with the State Board of Health.

8. Where were you born?

A. In Kentucky near Hodgenville, in Larue County. Have lived in Hardin, Grayson, Ballard, Nelson and a number of counties in the State.

9. Of what State were you a resident when you graduated?

A. Kentucky.

10. Ever been a citizen of any other State?

A. No, sir. Yes, guess I qualified as a citizen of Indiana when I was 22 years old. Was there one year.

11. Have you ever taken any post graduate course or any course in any special branch for the practice of your profession?

A. I have attended clinics; would not call that post-graduate course. I am working now quite a bit with Dr. Haynes in Louisville, who is a specialist of diseases of the rectum. Isn't costing me anything, but you might call it a sort of post-graduate course; am just doing it for the experience and instruction. Have done that in a number of places; city hospital of Louisville under Dr. Redman; took some work in the venereal clinic; spent fifteen days over in Chicago at Rush Medical College, Cook County Hospital, same way that I did at the city hospital in Louisville.

12. Where did you first practice?

A. In Louisville at Fifteenth and Walnut Streets. From there went to West Point.

13. How long did you live at West Point?

A. Eighteen years.

14. Did you take any special course at any place since your graduation?

A. I took special work, but I didn't enter in a way to get a diploma or certificate.

15. What line did you take?

A. Syphilitic. The main thing I was after was some of the newer ideas of syphilis and the administration of salvarsan; it was very popular to give 6-0-6; I was interested in that.

16. When was that?

A. Spring of 1920.

17. How long has the medical profession been using this salvarsan or 6-0-6?

A. Could not say; a number of years.

18. Using it when you went through school?

A. No, sir; may have been experimenting with it generally.

19. Did you use it any in Louisville practicing medicine before you went to West Point?

A. No; wasn't using it then.

20. When did you first use it?

A. At Camp Wheeler, Macon, Ga. Was connected with the medical department in various camps but not as an officer; had a physician that placed me in those places some; gave me special qualification for those positions; had occasion to be with the doctors a lot at Camp Wheeler. It was called a National Guard camp. Some of the boys had to be treated with salvarsan and mercury. That was my first experience in 1917. And then at Camp Knox later in 1918.

21. At Camp Knox did they delegate you?

A. No, I just volunteered; shortage of doctors time or two and asked me to help. At one time wanted me to take charge of all the civilian work; would not let me do that unless I resigned my position under the civil service.

I worked some with Dr. Prewitt in Louisville. He gave salvarsan occasionally. There is nothing difficult about the technique at all to any man who understands a little bit of the human anatomy and you don't have to know much except about the veins in the arms; wherever you can find the veins the easiest; it is a nice, easily handled thing; nothing intricate about it; think I could teach any man here in ten minutes.

22. And by the gravity method?

A. Where you have only one patient often use a hypodermic syringe with 30 c. c., may be only 10 c. c. and inject salvarsan with syringe. Where more than one person is taking it it is economical and I like to give it by what is known as the gravity method; hang syringe up above the patient and control the flow gradually, rapidly or slowly, just as you like. The main advantage of it is that if you are in a clinic you can

treat as many patients as you like; have six or eight doses prepared at one time.

23. In the administration of salvarsan it is not so much ability in administration as in care afterwards, is it not?

A. Yes; that is where the trouble is. You often do not even need to make a blood test or take a Wasserman; sometimes there is a reaction following the administration of salvarsan; occasionally there is a shedding of the skin and various other things following the administration of salvarsan which are rather difficult to handle, because there is hardly anything in the books that advises you what to do. Many of them say that when the reaction comes the man is often sick and has to go to bed in two hours, followed by chill and vomiting, lasting maybe several hours; not much to do for him, so far as we have been able to learn. These other things, the rashes or that might be developed on him, would have to be treated locally without knowing any special thing specifically to prevent these reactions; very few that give you a great deal of trouble; the average case after the administration of salvarsan goes on to work. I don't remember the percentages at the Reformatory, but it was only just occasionally that a man could not go back to the shop if he was so disposed.

24. You use a blood test for syphilis, don't you?

A. Not absolutely; read the history; if the man has had a sore and all the eruptions he may tell you himself that he wants to be treated. But in doubtful cases and maybe where you don't have a history, take a Wasserman. I always take one anyhow. If it shows a positive, it is the consensus of opinion that the man has syphilis and needs treatment.

It has been considered that salvarsan is almost a specific, but not all agree on that, although it is one of the best things we have. It is not considered any more than that alone is the treatment. Must have mercury between the various treatments. The army board got out a little pamphlet on the treat-

ment of venereal diseases; very interesting thing; could be understood by the laity; went on to say give this dose of salvarsan and then give the mercurial treatment by injection or intermuscularly. In the Reformatory it was not considered wise to do that and we gave mercury there by inunction.

25. How long were you connected with the United States Government in the position that you have described?

A. I went in the service along early in the war.

26. In 1917?

A. Yes, sir. Somewhere along there; came out in 1920.

27. You were never commissioned?

A. No, sir.

28. You were not able to get into the army as a doctor?

A. I sent my application to the surgeon general just as soon as I saw that we were going to get into war. I had had army experience with the regulars and wanted to go; was married but had no children; felt like I wanted to get in it again; sent to the surgeon general for application blanks, filled that out, and he referred me, I believe, to Captain Gibson, who was the recruiting officer in Louisville. He said they wanted men 25 and 30 years of age and would not consider me.

I wanted to go to Fort Benjamin Harrison and transfer; like dentists were doing; so to get into the game I suppose I qualified under half a dozen different things under civil service. I have had a pretty wide experience as a poor boogar knocking around the country and was qualified for a good many things.

29. When were you first connected with the State Board of Charities and Corrections, and how?

A. The first day of July, 1920. I came up and talked it over with Mr. Davis about two weeks before that. He had telephoned me. I didn't know him before, but through some friends of his he learned that I was available. I didn't know anything about the position and had not thought about it at

all. He told me what it paid, \$1,800. I told him I could not do anything over the telephone. He insisted that I come up and talk it over, which I did. I spent two days here and went back without accepting it. He outlined salary and work. In about a week I advised them that I would go to work and did report on July first.

30. Were you there when Dr. Roemele was there?

A. He came there after I had been there three months.

31. Did they pay the expenses of your first trip there?

A. No, sir.

32. He asked you to come, though?

A. Yes, sir.

33. And you looked over the institution at that time?

A. Yes, sir.

34. You began work July 1st?

A. Yes, sir.

35. Did you find any syphilis there then?

A. Yes; a number of boys on the bed. Mr. Davis or Mr. Byers or some one along with us remarked that these boys had sore arms, that they had been given 6-0-6 and were laid up in bed. I didn't look at any of them, though, but went on. One consideration with me with Mr. Davis was that I was counting on specializing in that line and it would be a pretty good field in which to study it. He said I could have all the conveniences for doing that and all the co-operation. It developed that Dr. Fish was the consulting surgeon. They had no prison office there then. Dr. Maus had been there. I was told there in the prison after I took charge by the boys in the hospital that they had gotten a new outfit for administering salvarsan. It didn't seem to work very well or else they didn't understand it. It had a double tube. I never did try it with that arrangement. They had difficulty with that and evidently in that way they caused the sore arms. Dr. Fish I don't suppose claimed to be an expert in giving salvarsan at all. He is a splendid surgeon; at least I think so.

They would not have had so many men laid up if he had not made a mistake in the technique.

36. Did they say anything to you about administering salvarsan?

A. No, sir.

37. How long were you there before you began administering?

A. Right away. The plan was to give it to them once a week. These same patients when their time came for their next dose of salvarsan, if they were not laid up in bed, we gave it. We were only taking the cases that had a positive history of syphilis. They asked for treatment. We had in the beginning as many boys to ask for treatment as we could treat.

28. When you treated them with salvarsan did you experience any sore arms?

A. No, sir; occasionally there would be a slight swelling but do not recall a case that went to bed.

39. The ones that you treated yielded to treatment?

A. Oh, yes; gave them the standard treatment.

40. How long did you continue to treat them? As long as you were there?

A. Yes, sir; there was a certain bunch of them that I didn't.

41. Explain that.

A. Along some time about the first of September—Mr. Davis was succeeded along about the middle of August by Mr. Moyer. Some time in September Mr. Moyer said to me that he wanted to give the syphilitics 6-0-6. I said, I have already given them 6-0-6. He said, "I want to do this; I want to have you give 6-0-6 to all prisoners who came here after I came—the 12th day of August; and all who came before that time I want treated by an outside man. He was a very positive man. I told him I was giving it already to these prisoners; that I had trained a crew; told him that I had all the help

necessary and had the equipment. We had the equipment to start in with and were getting along well; crew of prisoners working as nurses and attendants.

I don't know just when Dr. Romele began, but it was some time about the last of September, I guess, to give salvarsan to all prisoners who showed positive Wasserman. First gave it to volunteers. Then we took Wassermans of the whole institution.

42. Who took them?

A. All of us, Romele, myself and the crew. We would take Wassermans of 150 men a day. Would not take them all day but would have them report from the shop at a certain hour.

43. Your crew was all prison help?

A. Yes.

44. But well trained for the work?

A. Yes; one of the best trained I have ever seen.

45. When Dr. Roemele administered this salvarsan just describe to us what assistance you and your crew gave.

A. It is a little difficult for me to describe like that. We did this in the operating room; had a regular operating table. In taking blood specimens sat them in a high chair; would take a hundred Wassermans; had a chair made so that the doctor would not have to stoop. But for administration of salvarsan laid them down on the table. Had four men, one to mix solution, another to fix needle, another to get patients ready, and another to ligate arm so as to distend veins. Dr. Roemele sat on stool and held needle until the correct amount ran in as indicated on the tube, and then got a new needle and passed the patient right on. We gave treatment to something right at thirty-five men an hour. That may be a little too much, but it was wonderfully speedy.

46. The men were prepared by you and the crew and Dr. Roemele sat on the stool and administered at the rate of

twenty-five or thirty-five men an hour. How much did they pay him?

A. He said two dollars a man.

47. Who furnished the drugs?

A. The State.

48. They furnished everything?

A. That was my understanding.

49. Could you with your crew have administered that as rapidly as he did?

A. Yes.

50. You were doing it all the time on prisoners that came in?

A. Yes. If a prisoner got sick it was up to me to say what could be done with him. The men would want to be excused from shop on account of sore arms.

51. After he administered this drug who looked after them then?

A. I did. The responsibility was placed on me.

52. If any after effects, you looked after them?

A. Yes, sir.

53. In the administration of that drug down there did that two dollars apply to the administration of the drug at the single time, to every treatment to every man? Each man got how many doses?

A. Six.

54. So they paid Dr. Roemele twelve dollars per man?

A. Yes, sir; something like four hundred men.

55. Could you in your capacity have administered that drug as capably and as well as Dr. Roemele?

A. Certainly; suggested it to Mr. Moyer.

56. Ever any objection to those that you did administer it to after August 12th?

A. No, sir; Dr. Roemele was in a hurry to get rid of the patients; you can hardly imagine how busy we worked say for one or two hours; they were sending men from the road camps

and bringing them in; various other things also; if a man was being paroled he had to be examined by the doctor and written reports made before he went out. When we spent one and a half hours or two, giving salvarsan, there was hardly any time left to me unless I gave it after night. The boys preferred daylight hours; the boys in the hospital, too, didn't feel like working all day and all night. So Roemele was hurrying through and getting his done and I was keeping track of new ones. We gave them Wasserman's to all who came in, except from Louisville, where they got it before coming. The doctor of the jail there would send us his report. I took that as official but all the others had to be examined. We made that the first thing after the Bertillon, we took the blood samples; had the Wassermans made at State University, Lexington; took the test early in the morning. As the Wassermans accumulated I had my assistant to make a list of these positives and classify them, so that when we did begin we could give twenty-five or thirty a day. When Dr. Roemele got through I immediately began to give it to our bunch.

When Mr. Moyer found out that we had not been giving it right along, he raised sand; said: "By God, I told you you had to do this and that and one thing and another." I was surprised. He had not told me any particular time. He hit the table and said: "By God, I told you you had to do this." I apologized and explained the best way I could.

57. In your capacity would there have been any delay if you had done it?

A. None whatever.

58. Wasn't every dollar that was paid to Dr. Roemele an absolute waste?

A. I considered it so.

The committee adjourned at this point sine die.

The committee met again on Monday night, February 27,

1922, at 7:30 p. m., at the Hunt House, Frankfort, Kentucky, this being the final session of the committee where any witnesses were examined.

Mr. James F. Ramey was introduced as a witness, and after being duly sworn, testified as follows in answer to questions by Mr. Drury for the committee:

1. What is your name, please?
A. James F. Ramey.
2. Where do you live, Mr. Ramey?
A. Louisville.
3. What business are you in at the present time?
A. Insurance Commissioner.
4. How long have you been Insurance Commissioner?
A. Two years.
5. Do you own any land in Lyon County, Kentucky?
A. I do; about eleven hundred acres.
6. How long owned it?
A. About sixteen or seventeen years, I think.
7. To whom have you leased the land at the present time?
A. To the State Board of Charities and Corrections.
8. When was that contract made?
A. About December first, I think it was, of last year.
9. To refresh your recollection, was it not the 15th of November of last year?
A. Possibly so.
10. For what length of time?
A. For one year, with privilege of renewal for two more years at the option of the board.
11. What was the rental price?
A. \$2,500.00.
12. How was it to be paid?
A. To be paid the first of each December in advance.
13. Has it been paid, the first year?
A. It has.

14. Paid in cash?

A. Paid with the regular State warrant.

15. About when?

A. December first.

16. Did you enter into a contract at that time?

A. I did.

17. Who drew the contract?

A. Mr. Tachau, I think; my trade was with him.

18. The contract was presented to you by Mr. Tachau, was it not?

A. Yes, sir.

19. Who made the trade with you?

A. Mr. Tachau.

20. Where were you at the time?

A. I talked with Mr. Tachau concerning the land and submitted to him a proposition to lease same—the land at \$3,000.00 a year, and we discussed it somewhat then, and later I talked with him and he told me the board had authorized him to rent the land for the prison down there, and that he was going to confer with Judge Humphrey and some one else and within a few days he could let me know about it. So he called me one day over the telephone at my office and asked me if I would take less than three thousand for the land. I rather—I didn't think I would, but finally he offered me twenty-five hundred dollars for the place and I accepted the deal with him over the phone. He was in Louisville, at the time, I believe, and I was in Frankfort at my office here.

21. Where is your office?

A. In the Capitol, here at Frankfort.

22. Your family is in Louisville, I believe?

A. Yes, sir.

23. Where were you when the contract was presented to you for your signature?

A. Down in the board's office.

24. Who was present?

A. I think Mr. Brewer and Mr. Byers were present.

25. Did you give them an option in this contract?

A. Yes, sir.

26. At what price, to buy the land?

A. I made them an option at fifty thousand dollars, or if in the opinion of the board that price was too high, they could select a man, I could select a man, and the two select another, and the price that this arbitration committee might agree upon I bound myself to take. Think it was a very poor contract on my part.

27. What is the value of that land?

A. Worth between fifty and sixty thousand dollars.

28. Did you not sell a half interest to your brother for eight thousand dollars?

A. I most certainly did not.

29. Didn't give him a contract for eight thousand dollars and cancel it last October?

A. No, sir. I sold my brother a half interest in the farm with certain provisions in our contract not named in the deed whereby if certain properties that he had in Idaho should be paid for he was to keep the land; otherwise that either had the privilege of revoking the trade. I sold him a half interest in this farm for twenty thousand dollars and I would not have sold it to any one else for that. He was to pay me, and did pay me, a portion of it at the rate of twenty thousand dollars.

30. How much is the farm assessed at?

A. Twenty thousand dollars, I think.

31. Did you work the farm the last year, 1921?

A. My brother operated it under the name of Ramey Brothers the last two years.

32. 1920 and 1921?

A. Yes, sir.

33. How was it operated in 1919?

A. I operated it myself.

34. And in 1918?

A. I operated it that year, too.

35. Did you ever rent it before?

A. Never rented it for cash before since I have owned it.

36. How did you rent it?

A. For part of the crops; furnished tools and teams; had some six or eight tenants. I remember at one time we had fifty-five people on the place; that included the children.

37. The trade was made in your office in Louisville, then?

A. No, sir; over the phone. I was here and Mr. Tachau was in Louisville, I understood.

38. Did you and Mr. Tachau go over the farm?

A. No, sir; however, Mr. Tachau or any one can see practically every cultivatable foot of the land from the front steps of the prison; almost like a narrow river between the prison and the farm. This farm was operated by Mason & Foggarty (?) by prisoners when they had the prisoners leased a good many years ago. Some of the members here at Frankfort now and they could confirm that; some of the old buildings are still there now which they used.

39. Who paid the taxes and insurance on the farm for the year that it was leased to the board?

A. They have never had it before.

40. Who is to pay it?

A. I am.

41. How much insurance and taxes?

A. Two or three thousand dollars of insurance on the various barns and houses. The taxes I don't know about. You know what the State and county rate is and we have a fifty-cent rate for graded schools.

42. You rented them a fifty thousand dollar farm for twenty-five hundred dollars and you pay the taxes and insurance?

A. That is correct.

I might give you this information. It was necessary to

borrow some money on this farm some years ago. I had been at Duvall. I made the application for the loan and asked the insurance company to have it appraised by disinterested parties, which they always do. It was appraised—one was Mr. Cummings, the cashier of the bank, the other was Dr. Hessy—at fifty-two thousand dollars by the disinterested appraisers.

43. How long have you owned the farm?

A. Sixteen or seventeen years.

44. What year was it appraised at fifty-two thousand dollars?

A. Some three or four years ago.

45. What did you pay for it when you bought it?

A. Bought it sixteen or seventeen years ago. The first track I paid \$12,500 for it; another track I bought I paid \$2,600 for it; another track I paid \$1,800 or \$1,900 for it. Then I sold a small portion of the back land off of this place and took it back later and bought some more and paid \$5,500 for it. So I am out about \$21,000 in actual cash purchase price some fifteen odd years ago for the farm; I have since built some five or six barns and tenant houses; have spent several thousands on it in fences and siloes and in improving the farm. It is in a very fine state of cultivation and produces a wonderful amount of crop. The more it has produced the last year, however, the less money it has made.

Might I add this as to the value—the rental value of land there? Next to my land down the river, which is also right in front of the prison, is what is known as the Lady farm, a narrow strip probably a couple of hundred yards wide. Then comes Mrs. Warfield's farm. The twenty acres belonging to Mrs. Warfield next to the river without any house on it at all I have leased. I leased it from her three years ago; in other words, I have two whole years on it after this year. I leased it on a five-year lease at \$15.00 an acre, payable in advance, three hundred dollars for the twenty acres. I paid her the

first year in July for the next coming year, and my contract called for me to pay her each January thereafter. I sold my one lease for \$1,500.00.

Mr. Crumbaugh, who has been leasing to the State, is asking fifteen dollars per acre this year for his land and is refusing to rent it for any less.

46. That is all land that can be cultivated is it not?

A. The fifteen dollar an acre land is.

47. How much of your land is cultivatable?

A. About 750 acres.

48. About how much of your land is the same quality of land as Mrs. Lady's and Mrs. Warfield's?

A. About two hundred acres; there is at least two hundred acres that will produce as much.

49. You rented your whole farm for \$2,500.00 and paid the taxes and insurance?

A. Yes, sir; the owner always pays it. I pay taxes and insurance. If any paid it will have to be paid by me.

50. What was the amount of taxes that you paid out on this farm last year?

A. I don't remember; my brother drew the checks.

By Mr. Tachau:

Mr. Drury, may I ask him a few questions?

Certainly.

51. The farm which had been rented by the old Board of Control just above Duvall, you could see it on the left hand side of the river. Do you know how many acres in that farm?

A. No; I think something like a hundred acres.

52. Have you any idea what rental was paid for that farm?

A. Fourteen dollars an acre. I recall that Mr. Hines came to see me in December, 1919, and showed me a contract that they had with Senator Glenn's brother-in-law, Mr. Mollo, and he asked me if I thought that was a good contract. They were paying him \$12.00 or \$15.00 an acre for his land.

I told him it was a good proposition and advised him to keep it, and he did keep it. He asked me if I would rent my land. I told him I would not think of renting it for any price they would pay.

Mr. Tachau was recalled and made the following statement:

Mr. Ramey made a proposition to the board about the rental of this farm. It was considered at three different meetings of the board. The board finally authorized me to make the contract with Mr. Ramey and I made that contract after my conversation with Mr. Ramey in which I offered him twenty-five hundred dollars and he accepted it. I then submitted it to Mr. Humphrey and he approved it. I signed it then and had Mr. Ramey sign it.

I just wanted to bring it out that neither Mr. Brewer nor Mr. Byers had anything to do with the contract.

By Mr. Ramey again:

I don't think the State could possibly make a better trade than by paying twenty-five hundred dollars in advance for it.

By Mr. Drury:

You never did make a contract that wasn't a good one, did you Mr. Ramey?

(Not answered.)

The following statements, which had been requested by Mr. Drury heretofore, were filed with the committee at a previous meeting and should have then been entered of record, but are now so recorded:

COMPARATIVE PAYROLLS

For Month of December, 1919 and 1921

	1919	1921
State Board of Charities and Corrections	\$1,573.97	\$2,946.66
Eastern State Hospital	5,446.55	7,309.78
Central State Hospital	6,355.95	9,606.27

Mar. 10. HOUSE OF REPRESENTATIVES 1963

Western State Hospital	5,701.05	7,412.81
Feeble-Minded Institute	1,550.09	3,561.87
Houses of Reform	3,826.33	4,846.16
State Reformatory	6,476.66	7,864.40
State Penitentiary	5,163.16	4,144.52
	\$36,093.76	\$47,692.47

Above statement is attached hereto and marked "Exhibit 8."

STATEMENT OF COAL PURCHASED FOR CHARITABLE AND PENAL INSTITUTIONS

Fiscal year ending June 30, 1920.....	\$183,235.85
Fiscal year ending June 30, 1921.....	212,105.16
Cost of gas for fiscal year ending June 30, 1921.....	26,405.44

Said statement is filed herewith marked "Exhibit 9."

STATEMENT SHOWING ESCAPES, RECAPTURES AND REWARDS AT THE KENTUCKY STATE REFORMATORY—FISCAL

YEAR ENDING JUNE 30, 1921.

Escapes, 90.

Recaptures, 67.

Total amount of rewards, \$4,800.

Note: Sixty-six of the above ninety escapes occurred in road camps.

Above statement is filed herewith and marked "Exhibit 10."

Mr. Tachau recalled.

374. Mr. Tachau, have you a contract for meal and grits and other things with the Martin Commission Company?

A. We awarded the contract to them. In giving the award we awarded the contract to a man by the name of Hartman in New Albany. We got a letter from Martin, or

he called up and said that his bid was lower than Hartman's, and wanted to know why he didn't get the contract. We looked it up and found that in the bidding of it that Hartman in New Albany had figured by the pound, for instance 1,049—I don't remember the price, and the other people had figured by the hundred, which would have made it 1.49. I believe on the first item it showed that Hartman was lower after looking it up, but error was made in taking 1,049 instead of 1.49. It looked to the member of the board who drew the pencil around that that it was lower; but we found out that it was a mistake and called Mr. Hartman up over the telephone and told him that we had read it wrong and we wanted to cancel that order. He said it was perfectly agreeable to him. We then gave it to Martin and Company and wrote a letter of explanation to them; showed him how the error was made, that is, how it had occurred. Of course it wasn't a large matter; think it was \$20.00 on the work, three months' supply; but there was no doubt that Martin should have gotten it right away. It was an error, and we can file with you those bids if you want to see them. We wrote to Martin on January 13th, 1922, as follows:

“January 13, 1922.

Martin Commission Co.,
30 Our Home Life Bldg.,
Louisville, Ky.

Gentlemen: I have your telegram of even date, accepting award for cornmeal, which you will please confirm by letter.

I have today written Feeble-Minded Institute, Frankfort; Eastern State Hospital, Lexington; Western State Hospital, Hopkinsville, and State Reformatory, Frankfort, instructing them to place their orders for cornmeal with you.

Very truly yours,

WPC/MBF *Commissioner of Public Institutions.”*

Said copy of letter above set out is filed herewith marked “Exhibit 11.”

376. How long was that contract for?

A. I think three months.

377. Are you buying from them now under that contract?

A. I think so; contract runs until April 1st.

378. Who is Martin & Company?

A. Don't know; never even heard of them; never heard of them until I saw this thing come up.

379. Are you a brother-in-law of Levi Bros.?

A. Yes, sir.

By Mr. Vest of the committee:

380. Why was George Caywood discharged?

A. The board let him go for what we considered the good of the service.

381. How many people now doing the work that he did?

A. I can't answer that question, but the business of the State Board of Charities is entirely differently conducted from what it used to be; everything is headed up in the main office; inventory and everything else. Now is the first time that we have got cost and operating sheets and expenses of every institution in the main office. Not only that but we can take one dollar of every expenditure and show you how that dollar was spent, what proportion, what unit of that dollar goes in everything.

382. Is it customary when you want to get rid of any one to do so for the good of the service?

A. There was a reason.

383. Why was Dr. LaRue transferred from Hopkinsville to Lexington?

A. For the good of the service. He had not conducted the institution the way the board thought it ought to be conducted.

384. Why was Captain Abrams discharged?

A. Because he never did any work; also, conspired to overthrow the superintendent at Lakeland.

385. Can you give me a statement showing the percentage of Republicans and Democrats in all of your institutions and the percentage of the total amount of salaries drawn by Republicans and that drawn by Democrats?

A. July 1, 1921, 744 employes, 308 Republicans, 350 Democrats, 86 Independents and Prohibitionists.

Monthly payroll for all institutions and the board—\$48,189.64, of which is drawn by Republicans, \$20,252.82, and by Democrats \$23,536.16, and by Independents and Prohibitionists \$4,400.66.

386. How many Independents and Prohibitionists did you have?

A. Eighty-six.

387. Is that for a month?

A. Yes. It appears from the foregoing figures that as to number the parties are represented as follows:

41.4% Republicans.

47.0% Democrats.

11.6% Independents and Prohibitionists.

PERCENTAGE OF DIVISION OF SALARIES ON TOTAL MONTHLY PAYROLL

Amount of total monthly payroll, \$48,189.64, which is divided as follows:

42% Republican.

48% Democrat.

10% Independents and Prohibitionists.

388. Have you recently started building a home at Lakeland for the superintendent?

A. Yes, sir.

389. How much will it cost?

A. Between eight and nine thousand dollars.

390. Does the board think that under their authority they have authority to put up a building like that without getting an appropriation from the Legislature?

A. I think they could.

391. Put up one to cost \$100.00?

A. I think they could if they could save it out of their maintenance.

392. They could go in and ask for a big maintenance and do what they pleased with it.

A. I am operating under the law.

393. Suppose you go up and ask for a heavy maintenance and prices go down, you could put up whatever you want, couldn't you?

A. I think we could; operating under the law; I think that with our Feeble-Minded colony farm, which the Legislature provided for last year and didn't provide any building for it, I think that if we could save fifty or a hundred thousand dollars to put up that building to take care of those poor unfortunate, I think it would be perfectly legal.

394. Do you think that is a good law which gives any board the right to put up any character of building they wish without consulting the Legislature or anybody?

A. I think it is a mighty good law.

395. In other words, we turn over to the board the right to construct such buildings, at such times and in such ways as they see fit?

A. As you see it.

396. As the law provides?

A. I think it is a mighty good thing.

I want to say this, as I said before, under our budget appropriation of last year we spent one hundred and forty-one thousand dollars of that for permanent improvements and permanent repairs, for the replacement of worn-out machinery, for putting up tuberculosis hospitals at the Feeble-Minded Institute where they had none at all, for other expenditures, which made our expenditures less than any board which we can find any record of.

I think in all justice to the board you ought to let it be

known that the figures quoted the other day by Mr. Steger were only the figures that showed on the Auditor's books and did not show all the figures on our books. It was in addition to the separate fund account in the institutions which were never audited by anybody so far as we can find. And Mr. Steger's figures and ours are practically the same. Under the strength of the first figures which were only taken off of the Auditor's books I believe you said you were opposed to the additional two hundred thousand dollars asked for, saying it was a mistake. We proved absolutely to Mr. Craig that we were conducting these institutions for less than any amount that we can find covering over a great many years' time.

Not from the per capita of the State institutions made by Mr. Byers.

397. I am talking about detail expenditures.

A. I use that. Compare it now with Mr. Steger.

By Mr. Steger:

I think I can explain.

398. Is it not a fact that I merely stood by the budget allowed you when you were asking for two hundred thousand more than the budget?

A. The budget was made, as the Governor said in his letter, under a misapprehension of figures. Mr. James' report makes figures which do not agree with our figures and do not agree with Mr. Steger's figures. He made the statement that all institutions were operated under a per capita of \$195 per year. The old law for the charitable institutions provided \$190 a year. He quotes it at \$195 and then he quotes that the Legislature had to provide additional money of \$270,000 to take care of a deficit. These figures are absolutely incorrect, as we have shown you by the figures we have given you and as they have been checked up by Mr. Steger, and I think in all justice to this board the correct figures should be given out to the public.

399. I am giving the figures as detailed to me.

A. By whom?

400. Mr. Steger's and Mr. James' reports.

A. But he didn't take into account the separate fund at the different institutions which are shown as expenditures and which nobody ever audited.

By Dr. Ryans, member of the committee:

401. Mr. Tachau, you have made a request of this committee to visit the different institutions, have you not?

A. Yes, sir.

402. I received one. I want to say that.

A. Not only that, I wrote you two letters.

By Dr. Ryans:

We ought to visit the different institutions.

After a conference it was decided to visit several of the institutions.

The committee at this point adjourned sine die and this was the last public meeting held, and no further evidence was taken.

I, Harry G. Bright, having been appointed special stenographer to take down all the evidence before the joint legislative committee, of which Mr. C. A. Nelson is chairman, appointed to investigate the State Board of Charities and Corrections, certify that I attended each and all sessions of the committee where witnesses were present and examined, that I took said evidence down in shorthand and afterwards transcribed same on a typewriter, and that I believe the foregoing is a true, accurate and complete transcript of said evidence.

Given under my hand this tenth day of March, 1922.

HARRY G. BRIGHT.

Mr. Drury offered the following Resolution, viz.:

Whereas the committee appointed by the General Assembly to make an examination of the State Charitable and Penal Institutions have this day filed their report and whereas it is necessary to pay the expenses connected therewith, and that the public may know the result of their findings;

Therefore be it Resolved by the House of Representatives and the Senate that 1,000 copies of the committee's report with the evidence attached thereto be printed wrapped and stamped and that the Clerk furnish each member of the House of Representatives and the Senate with a copy of same and that the remainder be distributed by said Clerk of the House of Representatives to parties requesting same.

Said Resolution was adopted.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Samuel W. Adams	J. T. Jennings	C. C. Oney
C. W. Bennett	H. R. Lawrence	H. Walter Pierce
J. E. Bickett	Oscar Leibson	Arch M. Quarles
W. M. Boling	Leon P. Lewis	Arthur Saunders
W. R. Button	Martin Light	David I. Scott
Bryce Cundiff	Rufus Lisle	Lee L. Simons
G. Givens Dixon	C. C. May	Ira D. Smith
A. W. Dorsey	Harry J. Meyers	R. F. Stewart
G. Lucien Drury	Harry B. Miller	D. D. Thornberry
H. C. Duffy	Claude D. Minor	Garnett W. Tolin
George W. Ellis	R. C. Moore	N. I. Toombs
Mrs. M. E. Flannery	S. H. Moore	Geo. C. Waggoner
Emery L. Frazier	B. A. Muster	W. T. Walker
Dr. H. M. Fultz	C. D. McCaw	W. S. Wallen
Ed. A. Gullion	E. E. Nelson	W. G. Wheeler
Arch L. Hamilton	Chas. A. Nelson	J. B. Wicker
N. T. Hopkins	Geo. W. Newman	
David J. Howard	D. A. O'Donovan	

Those who voted in the negative were—

R. M. Amos	Wright Kelly	John M. Tinsley
Sam A. Cary	Ed. P. Murrah	Chas. B. Truesdell
R. O. Huntsman	H. Q. Thompson	—8

The hour of five o'clock having arrived the House recessed.

The hour of seven-thirty o'clock having arrived, the Speaker resumed the Chair and called the House to order.

Mr. Dorsey of the Committee on Enrollment reported that they had examined and found correctly enrolled bills and a resolution of the following titles, viz.:

H. B. 336. An Act relating to the inspection of oils abolishing the office of oil inspector, creating the office of Oil Tester and Gauger, providing for the payment of said officers and disposing of the inspection fees collected.

H. B. 444. An Act to amend Sec. 3 of an Act entitled: "An Act to create the Kentucky Library Commission to define its powers and duties, and to provide for its expenses," which Act was approved March 17, 1910.

H. B. 42. An Act to amend sec. 965 of the Kentucky Statutes, relating to the time of holding Court in the 28th Judicial District.

H. B. 298. An Act relating to revenue and taxation, relating to assessment of property; providing for a levy of tax on all property by classes and for distribution thereof.

H. Res. 16. Resolution for the benefit of James E. Hudson.

Thereupon all other business was suspended, said bills and resolution were read at length and compared in open session and thereupon the Speaker in open session and in the presence of the House affixed his signature thereto.

Ordered that the Enrolling Clerk deliver same to the Senate.

After a time the Enrolling Clerk delivered the original and enrolled copy of said bill into the possession of the Chief Clerk duly signed by the President of the Senate.

Ordered that the Clerk deliver same to the Governor.

After a time the Clerk reported that he had discharged that duty.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled, viz.:

H. B. 138. An Act relating to the fees and compensation of officers in counties having a population less than seventy-five thousand, requiring a record of same to be kept and a report made to the Auditor, fixing the amount to be retained by such officers and providing penalties for violation of this Act.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Every jailer, county clerk, circuit clerk, county attorney, oil inspector, tax commissioner, and sheriff in a county having a population less than seventy-five thousand, shall, in a suitable book, kept in his office, enter and keep therein a

true and faithful account of the amounts earned by him, or due him for official services, from each person, company, corporation, partnership and county, and from the State, and United States Government and what part thereof, if any, has been paid, and when paid, and shall annually, in the month of January, report to the Auditor under oath, the amount received by him on account of his official duties, or position, from all sources during the preceding year, as well as the amount paid out by him for deputies or assistants, giving the amount paid to each and for expenses of his office, and if it shall appear from such statement that any such officer in a county having a population of over forty thousand and less than seventy-five thousand received as compensation, on account of his office, from all sources, more than five thousand (\$5,000.00) dollars, after the payment of his deputies or assistants, and all the expenses of his office, such officers shall, with such statement, pay to the Auditor the amount so received in excess of five thousand (\$5,000.00) dollars; and if it shall appear from such statement that any such officer in a county having a population less than forty thousand (40,000) received as compensation on account of his office, from all sources, more than four thousand (\$4,000.00) dollars after the payment of his deputies or assistants, and all the expenses of his office, such officer shall with such statement, pay to the Auditor, the amount so received in excess of four thousand (\$4,000.00) dollars.

§ 2. Any such officer who fails or refuses to keep said book account as required by the above section, shall be fined not less than one hundred (\$100.00) dollars, nor more than five hundred (\$500.00) dollars, and upon conviction, a judgment shall be entered declaring his office vacant.

§ 3. If any officer mentioned in this act shall knowingly omit to report, or fail to report, as required, to the Auditor, or shall knowingly make or subscribe any false statement therein, or shall knowingly omit or fail to pay such excess as

may be due under the provisions of this act, he shall be guilty of a felony and imprisoned in the penitentiary not less than one or more than five years, and upon conviction a judgment shall be entered declaring the office vacant; provided, however, the Auditor may, upon good cause being shown, extend the time for filing such statement or making such payment for not exceeding fifteen days.

§ 4. The annual salary of each deputy or assistant employed by said officers, or either of them, and the number of said deputies or assistants, shall be fixed by the judge of the county court by an order entered of record and a copy of said order, as well as a copy of any changes made therein, shall be filed with the Auditor by the clerk of the county court of each county; provided, however, that nothing in this act shall affect the right of the sheriff to swear in the necessary number of deputies in an emergency, and pay them the fees now allowed by law.

Mr. Bosworth offered the followed Amendment, viz.:

“Amend H. B. 138 by adding thereto, at the end of section 3, page 3 of said bill, the following words:

“The provisions of this Act shall not apply to present incumbents in office.”

Said Amendment was agreed to.

Mr. Park moved that the vote by which said Amendment was agreed to be reconsidered and that motion lie on the table.

Said last named motion was agreed to.

Mr. Truesdell offered the following Amendment, viz.:

“Amend H. B. 138 by striking out all of Sec. 4.”

Said Amendment was disagreed to.

Mr. Park offered the following Amendment, viz.:

“Amend H. B. 138 by adding after the word “County” in line 6, page 3, sec. 4, the words “any officer, who desires to do so or any taxpayer who feels aggrieved may appeal to the Judge of the Circuit Court of his district by filing in the Circuit Court Clerk’s office a copy of the order appealed from and making a motion to have it amended so as to allow him a sufficient number of deputies and a reasonable salary for each. This motion shall be placed on the motion docket and heard as are other motions and the order entered upon said motion shall be entered on the order book of the Circuit Court and a copy thereof shall be certified to the County Judge and entered on record by him, and a copy of said order, shall be filed with the Auditor by the Clerk of the County Court of each County.”

Said Amendment was agreed to.

Mr. Park moved that the vote by which said Amendment was agreed to be reconsidered and that motion lie on the table.

Said last named motion was agreed to.

Mr. Park offered the following Amendment, viz.:

“Amend H. B. 138 by striking out the word “oil inspector” in line 1, page 1, section 1, and substitute therefor the word “Commonwealth’s Attorney.”

Said Amendment was agreed to.

Mr. Park moved that the vote by which said Amendment was agreed to be reconsidered and that motion lie on the table.

Said last named motion was agreed to.

Mr. Boyd offered the following Amendment, viz.:

“Amend H. B. 138 by inserting after the words “tax commissioner” in line 2, Section 1, of the printed bill, the words “County Judge.”

Said Amendment was agreed to.

Mr. Park moved that the vote by which said Amendment was agreed to be reconsidered and that motion lie on the table.

Said last named motion was agreed to.

Mr. Ira D. Smith offered the following Amendment, viz.:

“Amend Sec. 1 of the printed bill by striking out the words, “over forty thousand and” in line 14 of said section and by striking out all of sec. 1 from the word, “dollars” in line 19 to and including line 25, which is the end of said section.”

Said Amendment was adopted.

Mr. Park moved that the vote by which said Amendment was adopted be reconsidered and that motion lie on the table.

Said last named motion was agreed to.

Mr. Truesdell offered the following Amendment, viz.:

“Amend H. B. 138 by striking out of Sec. 4, line 3, the

words "Judge of the County Court," and substituting in lieu thereof the words, "Fiscal Court."

Said Amendment was disagreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, and the same being engrossed, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

R. M. Amos	Arch L. Hamilton	Geo. W. Newman
J. E. Bickett	Oscar P. Harvey	James Park
W. M. Boling	Frank J. Humbert	Brodie Payne
Thos. Bowman	R. O. Huntsman	H. Walter Pierce
Berl Boyd	Lester Jeter	S. R. Powell
John E. Brown	Ira Jones	Arch M. Quarles
W. R. Button	H. R. Lawrence	R. I. Rice
Sam A. Cary	Oscar Leibson	Arthur Saunders
Lee Clark	Leon P. Lewis	Reuben E. Skaggs
E. B. Cross	Martin Light	Ira D. Smith
Bryce Cundiff	Rufus Lisle	R. F. Stewart
O. A. Denton	C. C. May	Frank L. Strange
G. Givens Dixon	Harry B. Miller	N. I. Toombs
A. W. Dorsey	Claude D. Minor	Fred C. Vanhooose
G. Lucien Drury	R. C. Moore	W. T. Walker
George W. Ellis	Ed. P. Murrah	W. D. Watkins
Dr. H. M. Fultz	B. A. Muster	J. B. Wicker
Bryant Green	C. D. McCaw	T. C. Willis
Ed. A. Gullion	R. D. McMurtry	
J. Edgar Hadden	Chas. A. Nelson	

Those who voted in the negative were—

Samuel W. Adams	Harry J. Meyers	D. D. Thornberry
Chas. Chandler	E. E. Nelson	John M. Tinsley
J. C. Day	D. A. O'Donovan	Chas. B. Truesdell
Mrs. M. E. Flannery	C. C. Oney	John L. Trumbo
W. L. Gossett	Geo. F. Thompson	
Thos. O. Holder	H. Q. Thompson	—16

Resolved that the title thereof be as aforesaid.

Mr. Minor moved that the vote by which said bill was passed be reconsidered and that motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 468. An Act establishing a road to lead from Lancaster, in Garrard County, via Crab Orchard in Lincoln County, to Mt. Vernon, in Rockcastle County, as a State Primary Road, and designating same as project No. 23a.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is hereby established as a part of the primary system of State Highways of the Commonwealth of Kentucky a road to lead from Lancaster, in Garrard County, via Crab Orchard, in Lincoln County, to Mt. Vernon, in Rockcastle County. The construction, maintenance, supervision and control of said road shall be subject to all the terms and conditions set out and provided for in Chapter 17 of the Acts of 1920, establishing a primary system of State Highways.

§ 2. Said road shall be designated as Project 23a.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Samuel W. Adams	Arch L. Hamilton	C. C. Oney
J. E. Bickett	Oscar P. Harvey	James Park
W. M. Boling	Frank J. Humbert	Brodie Payne
J. F. Bosworth	R. O. Huntsman	H. Walter Pierce
Thos. Bowman	Lester Jeter	S. R. Powell
Berl Boyd	Ira Jones	Arch M. Quarles
John E. Brown	H. R. Lawrence	R. I. Rice
W. R. Button	Oscar Leibson	Arthur Saunders
Sam A. Cary	Leon P. Lewis	Reuben E. Skaggs
Chas. Chandler	Martin Light	R. F. Stewart
Lee Clark	Rufus Lisle	Frank L. Strange
E. B. Cross	C. C. May	Geo. F. Thompson
Bryce Cundiff	Harry J. Meyers	D. D. Thornberry
J. C. Day	Harry B. Miller	John M. Tinsley
O. A. Denton	Claude D. Minor	N. I. Toombs
G. Givens Dixon	R. C. Moore	Chas. B. Truesdell
A. W. Dorsey	Ed. P. Murrah	John L. Trumbo
G. Lucien Drury	B. A. Muster	Fred C. Vanhooose
George W. Ellis	R. D. McMurtry	Oscar Vest
Dr. H. M. Fultz	E. E. Nelson	W. T. Walker
Bryant Green	Chas. A. Nelson	W. D. Watkins
Ed. A. Gullion	Geo. W. Newman	J. B. Wicker
J. Edgar Hadden	D. A. O'Donovan	T. C. Willis

Resolved that the title thereof be as aforesaid.

Mr. Minor moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 182. An Act to amend Sec. 5 of chapter 17 of the Acts of General Assembly of Kentucky, 1920, relating to roads and bridges, by making an addition to project No. 6.

Said bill is as follows, viz.:

Whereas, Porject No. 6 of the primary system of State Highways of Kentucky, and the Virginia system of State Highways approach within three miles of each other at Jenkins, in Letcher County, Kentucky, and

Whereas, the Virginia system of State Highways has been extended to Pound Gap on the Pine Mountain at the Kentucky-Virginia State line, a distance approximately of three miles from Jenkins, Kentucky, which is located on Project No. 6, and

Whereas, the Pine Mountain has always been practically an impassable barrier between the Kentucky and Virginia for about 125 miles, and

Whereas, the Lonesome Pine Trail leading from Knoxville, Tennessee, to Ashland, Kentucky, has been located through Pound Gap, and all of said Trail except the three mile gap herein provided for is already a part of the Tennessee-Virginia or Kentucky Highway system, and

Whereas, it is a paramount importance not only to the adjoining counties of Virginia and Kentucky, but also to the general traveling public that this section of road be made a part of the Kentucky State Highway system, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the section of road leading from Project No. 6 at Jenkins, in Letcher County, Kentucky, to Pound Gap, on the Kentucky-Virginia State line, be added to said Project No. 6 and be made a part of the primary system of State highways.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Samuel W. Adams	W. L. Gossett	S. H. Moore
R. M. Amos	Bryant Green	Ed. P. Murrah
J. E. Bickett	Ed. A. Gullion	B. A. Muster
W. M. Boling	J. Edgar Hadden	R. D. McMurtry
Thos. Bowman	Arch L. Hamilton	E. E. Nelson
Berl Boyd	Oscar P. Harvey	Chas. A. Nelson
John E. Brown	Thos. O. Holder	D. A. O'Donovan
Sam A. Cary	Frank J. Humbert	C. C. Oney
Chas. Chandler	R. O. Huntsman	James Park
Lee Clark	Lester Jeter	Brodie Payne
E. B. Cross	Ira Jones	H. Walter Pierce
Bryce Cundiff	H. R. Lawrence	S. R. Powell
J. C. Day	Oscar Leibson	Arthur Saunders
G. Givens Dixon	Leon P. Lewis	Reuben E. Skaggs
A. W. Dorsey	Martin Light	Ira D. Smith
G. Lucien Drury	Rufus Lisle	R. F. Stewart
George W. Ellis	Harry J. Meyers	Frank L. Strange
Mrs. M. E. Flannery	Harry B. Miller	Geo. F. Thompson
Dr. H. M. Fultz	Claude D. Minor	D. D. Thornberry

John M. Tinsley	Fred C. Vanhoose	J. B. Wicker
N. I. Toombs	Oscar Vest	T. C. Willis
Chas. B. Truesdell	W. T. Walker	

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Resolved that the title thereof be as aforesaid—

Mr. Minor moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled, viz.:

H. B. 451. An Act to amend sec. 5 of chapter 17 of the Acts of the General Assembly of 1920, relating to roads and highways.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 5, Project 23, of Chapter 17, of the Acts of the General Assembly of 1920, be amended by adding to and extending said Project 23 to the City of Lexington, so that when so amended and extended, said project will read as follows, to-wit:

Project 23, from Lexington to Nicholasville to Kentucky-Tennessee State line near Huntersville via Lancaster, Stanford, Hustonville, Liberty, Jamestown, Sewellton, Seventy-Six and Albany.

Mr. Lisle offered the following Amendment, viz.:

“Amend H. B. 451 by adding Sec. 5a to said bill which said Sec. 5a shall read as follows, viz.:

“By connecting Danville to Camp Dick Robinson on Project 23 of chapter 17.”

Said Amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Samuel W. Adams	Oscar P. Harvey	D. A. O'Donovan
R. M. Amos	Thos. O. Holder	H. Walter Pierce
J. E. Bickett	Frank J. Humbert	S. R. Powell
W. M. Boling	R. O. Huntsman	Arch M. Quarles
Thos. Bowman	Lester Jeter	R. I. Rice
Berl Boyd	Ira Jones	Arthur Saunders
John E. Brown	H. R. Lawrence	Ira D. Smith
Sam A. Cary	Oscar Leibson	R. F. Stewart
E. B. Cross	Leon P. Lewis	Frank L. Strange
Bryce Cundiff	Martin Light	Geo. F. Thompson
J. C. Day	Rufus Lisle	D. D. Thornberry
O. A. Denton	C. C. May	John M. Tinsley
G. Givens Dixon	Harry J. Meyers	N. I. Toombs
A. W. Dorsey	Harry B. Miller	John L. Trumbo
G. Lucien Drury	R. C. Moore	Fred C. Vanhooose
George W. Ellis	Ed. P. Murrah	W. D. Watkins
Dr. H. M. Fultz	B. A. Muster	J. B. Wicker
Ed. A. Gullion	R. D. McMurtry	T. C. Wells
J. Edgar Hadden	E. E. Nelson	
Arch L. Hamilton	Chas. A. Nelson	

Resolved that the title thereof be as aforesaid.

Mr Minor moved that the vote by which said bill was passed be reconsidered and that motion lie on the table.

Said last motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 330. An Act establishing a road to lead from Harrison in Lewis County, via mouth of Laurel Creek, via Rooney, Carter County, via Hitchens, in Carter County, via Willard, in Carter County, to Webbville, in Lawrence County, as a State Primary Road, and designating same as Project No. 43A.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is hereby established as a part of the primary system of State highways of the Commonwealth of Kentucky a road to lead from Harrison, in Lewis County, via mouth of Laurel Creek, via Rooney, Carter County, via Hitchens, in Carter County, via Willard, in Carter County, to Webbville, in Lawrence County. The construction, maintenance, supervision and control of said road shall be subject to all the terms and conditions set out and provided for in Chapter 17 of the Acts of 1920, establishing and creating a primary system of State highways.

§ 2. Said road shall be designated as Project No. 43a.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Samuel W. Adams	W. L. Gossett	S. R. Powell
R. M. Amos	Ed. A. Gullion	Arch M. Quarles
J. E. Bickett	Oscar P. Harvey	Arthur Saunders
W. M. Boling	Frank J. Humbert	Lee L. Simons
J. F. Bosworth	R. O. Huntsman	Reuben E. Skaggs
Thos. Bowman	Lester Jeter	R. F. Stewart
Berl Boyd	Ira Jones	Geo. F. Thompson
John E. Brown	H. R. Lawrence	D. D. Thornberry
Sam A. Cary	Oscar Leibson	John M. Tinsley
Chas. Chandler	Leon P. Lewis	N. I. Toombs
E. B. Cross	Martin Light	Chas. B. Truesdell
Bryce Cundiff	Rufus Lisle	John L. Trumbo
J. C. Day	C. C. May	Fred C. Vanhoose
O. A. Denton	Harry J. Meyers	Oscar Vest
G. Givens Dixon	Claude D. Minor	W. T. Walker
A. W. Dorsey	Ed. P. Murrah	J. B. Wicker
George W. Ellis	E. E. Nelson	T. C. Willis
Mrs. M. E. Flannery	Chas. A. Nelson	
Dr. H. M. Fultz	H. Walter Pierce	

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Resolved that the title thereof be as aforesaid.

Mr. Minor moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Dorsey of the Committee on Enrollment reported

that they had examined and found correctly enrolled bills of the following cities, viz.:

H. B. 147. An Act authorizing Courts of Justice to grant declaratory judgments.

H. B. 244. An Act to amend Sec. 145 of the Constitution.

H. B. 194. An Act conferring additional powers upon the Legislature body of governing authority of cities of the fourth class.

H. B. 10. An Act to repeal Sec. 1938, subsec. A-5, chapter 57, Carroll's 1915 Edition of the Kentucky Statutes, Vol. 3, relating to the hunting and killing of rabbits.

H. B. 187. An Act to amend and re-enact subsec. 6 of sec. 3480b, Kentucky Statutes, relating to the nomination of candidates for commissioners and for mayor and for police judge of third class cities.

H. B. 48. An Act to amend and re-enact sec. 2677 of the Kentucky Statutes, compiled by the Hon. John D. Carroll.

H. B. 302. An Act to appropriate money for the erection of a poultry building on the Kentucky State Fair Grounds.

H. Res. 14. Resolution in favor of Bryce Cundiff and James H. Johnson.

Thereupon all other business was suspended and said bills and resolution were read at length and compared in open session and thereupon the Speaker in open session and in the presence of the House affixed his signature thereto.

Ordered that the Enrolling Clerk deliver same to the Senate.

After a time the Enrolling Clerk delivered the original and enrolled copy of the bill, duly signed by the President of the Senate, into the possession of the Chief Clerk of this House.

Ordered that the Clerk deliver same to the Governor.

After a time the Clerk reported that he had discharged that duty.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 412. An Act creating an efficiency commission with the power and authority to make survey of, and inquire into and report concerning all departments, commissions, and boards, arms and branches of the State Government, as well as all institutions supported in whole or in part by public funds, also all existing and prospective sources of revenue; defining its powers, and duties, and appropriating funds to enable it to exercise the powers and duties conferred.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby created an Efficiency Commission consisting of four members to be appointed by the Governor, not more than two of whom shall belong to one political party.

§ 2. Vacancies in the commission from any cause shall be filled by the Governor by the appointment of a person or persons named by the commission, and the commission shall

name such persons from the political party in which the vacancy occurred.

§ 3. The commission so appointed is directed and authorized to make a general survey of, and inquire into all departments, commissions, and boards of the State Government, as well as all institutions supported in whole or in part by public funds of the State, and shall make reports and recommendations touching their conditions and needs and matters relating to the curtailment of expenses and increased efficiency. In addition to these the scope of its powers and duties shall extend to an inquiry into and a report and recommendation concerning every branch and arm of the State Government that is contributed to or supported in whole or in part by State funds or that performs judicial, executive, legislative or ministerial functions. It shall also inquire into and report concerning all existing and prospective sources of revenue.

§ 4. It shall have power to administer oaths to summon to appear before it any person who in its judgment can furnish useful information touching the subjects and matters the commission has power to survey, inquire into and report concerning, and to require such persons to answer pertinent questions and to produce for its inspection and examination any books, records or papers pertaining or relating to matters about which the commission has the power to inquire into. If any person so summoned shall refuse to obey the summons, or answer questions propounded by the commission, or produce books, records, or papers, requested by the commission, he shall be deemed guilty of contempt of the commission, and it shall be the duty of the commission to furnish to the Franklin Circuit Court the name of the person in contempt, and the ground of his contempt, and it shall be the duty of the Franklin Circuit Court to compel by appropriate process the attendance of said witness before the commission and the production of such books, records, and papers as may

have been requested, and to compel the witness to answer questions propounded by the commission and to punish such person as if he had been guilty of contempt of the court.

§ 5. The commission shall be furnished with an office and equipment at the State Capitol, and is authorized to employ such experts and other assistants as it may deem necessary in the prosecution of its work, and an appropriation of fifty thousand dollars, is hereby made for the purpose of paying expenses incurred by the commission in the performance of its duties. The expense so incurred shall be paid by the State out of funds in the State Treasury upon the voucher of the Auditor of State, which voucher shall be issued only when the expense account setting out the purpose for which it was created has been approved in writing by all the members of the commission.

§ 6. The commission, after such investigation as it may deem necessary, shall report its findings and recommendations to the Governor; and the commission shall also have drawn, for presentation to the Legislature, such bills as may be deemed necessary to carry into effect its findings and recommendations.

§ 7. There being pressing reasons why this commission should be created at the earliest possible date, an emergency is hereby declared and this act shall become a law when approved by the Governor.

Mr. Amos offered the following Amendment, viz.:

“Amend H. B. 412, Sec. 5, line 4, by striking out the words, or figures “fifty thousand (\$50,000) dollars” and substituting therefor “twenty-five thousand (\$25,000) dollars.”

Said Amendment was agreed to.

Mr. Minor moved that the vote by which said Amend-

ment was adopted be reconsidered and that motion lie on the table.

Said last named motion was agreed to.

Mr. Lewis offered the following Amendment, viz.:

“Amend H. B. 412 by adding at the close of Sec. 1, line 3, page 1, of the printed bill, the following:

‘Said original appointments shall be confirmed by the Senate.’ ”

Said Amendment was agreed to.

Mr. Liebson offered the following Amendment, viz.:

“Amend H. B. 412 by adding Sec. 8, which shall read as follows, viz.:

The Commission herein provided for shall serve without salary or any remuneration whatsoever.”

Said Amendment was agreed to.

Mr. Miller moved the following Amendment, viz.:

“Amend H. B. 412 by striking out all of Sec. 1 after the word, “the” in line 2 and insert in lieu thereof the words, “Speaker of the House shall appoint two members and the President of the Senate shall appoint two members.” And strike out Sec. 2 all of lines 2, 3 and 4 and insert in lieu thereof the words, “the commission.”

Said Amendment was disagreed to.

Ordered that said bill be engrossed and read the third tie.

The Constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

R. M. Amos	J. Edgar Hadden	H. Walter Pierce
J. E. Bickett	Arch L. Hamilton	S. R. Powell
J. F. Bosworth	Oscar P. Harvey	Arch M. Quarles
Thos. Bowman	Frank J. Humbert	R. I. Rice
Berl Boyd	Ira Jones	Arthur Saunders
John E. Brown	H. R. Lawrence	Lee L. Simons
Sam A. Cary	Oscar Leibson	Ira D. Smith
Chas. Chandler	Leon P. Lewis	R. F. Stewart
E. B. Cross	Martin Light	Geo. F. Thompson
Bryce Cundiff	Rufus Lisle	John M. Tinsley
J. C. Day	C. C. May	Garnett W. Tolin
G. Givens Dixon	Claude D. Minor	N. I. Toombs
A. W. Dorsey	R. C. Moore	Chas. B. Truesdell
G. Lucien Drury	Ed. P. Murrah	John L. Trumbo
George W. Ellis	R. D. McMurtry	Fred C. Vanhooose
Mrs. M. E. Flannery	E. E. Nelson	Oscar Vest
Dr. H. M. Fultz	Chas. A. Nelson	W. T. Walker
W. L. Gossett	Geo. W. Newman	
Bryant Green	James Park	J. B. Wicker
Ed. A. Gullion	Brodie Payne	T. C. Willis

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Those who voted in the negative were—

Samuel W. Adams	Thos. O. Holder	Harry J. Meyers
W. M. Boling	R. O. Huntsman	D. D. Thornberry

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Resolved that the title thereof be as aforesaid.

Mr. Lawrence moved that the vote by which said bill was passed be reconsidered and that motion lie on the table.

Said last named motion was agreed to.

Mr. Minor moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

SATURDAY, MARCH 11, 1922.

The House was opened with prayer by the Rev. Chesterfield Turner of the First Baptist Church of Frankfort.

The roll was called and the following Members answered to their names, viz.:

Samuel W. Adams	O. A. Denton	N. T. Hopkins
R. M. Amos	A. W. Dorsey	David J. Howard
C. W. Bennett	G. Lucien Drury	J. T. Jennings
J. E. Bickett	H. C. Duffy	Lester Jeter
W. M. Boling	W. D. Duncan	Wright Kelly
J. F. Bosworth	George W. Ellis	H. R. Lawrence
Thos. Bowman	Mrs. M. E. Flannery	Oscar Leibson
Berl Boyd	Emery L. Frazier	Leon P. Lewis
John E. Brown	Dr. H. M. Fultz	Martin Light
W. R. Button	W. L. Gossett	Rufus Lisle
Sam A. Cary	Bryant Green	C. C. May
Chas. Chandler	Ed. A. Gullion	Harry J. Meyers
Lee Clark	J. Edgar Hadden	Harry B. Miller
E. B. Cross	Arch L. Hamilton	Claude D. Minor
Bryce Cundiff	Oscar P. Harvey	R. C. Moore
J. C. Day	Thos. O. Holder	S. H. Moore

Ed. P. Murrah	R. I. Rice	Garnett W. Tolin
B. A. Muster	Arthur Saunders	N. I. Toombs
C. D. McCaw	David I. Scott	Chas. B. Truesdell
R. D. McMurtry	Lee L. Simons	John L. Trumbo
E. E. Nelson	Reuben E. Skaggs	Fred C. Vanhooose
Chas. A. Nelson	George W. Smith	Geo. C. Waggoner
Geo. W. Newman	Ira D. Smith	W. T. Walker
D. A. O'Donovan	R. F. Stewart	W. S. Wallen
C. C. Oney	Frank L. Strange	W. D. Watkins
Brodie Payne	H. V. Thompson	W. G. Wheeler
H. Walter Pierce	Geo. F. Thompson	J. B. Wicker
S. R. Powell	D. D. Thornberry	T. C. Willis
Arch M. Quarles	John M. Tinsley	

The reading of the Journal of yesterday's proceedings was dispensed with.

Mr. Simons moved that this Session of the House be extended indefinitely.

Said motion was agreed to.

A message was received from the Senate announcing that they had passed bills of the following titles, viz.:

S. B. 240. An Act to change the name of the Eastern Kentucky Normal School and the name of the Western Kentucky Normal School.

S. B. 181. An Act authorizing cities of the first and second classes to create a City Planning Commission with power to make a survey and plan of the city and of land contiguous or related thereto; to provide for the regulation of the height, area and use of buildings and for zoning of the city and with power to approve the recording of plats and subdivisions of land.

S. B. 281. An Act to amend and re-enact Sec. 1934, Ken-

tucky Statutes, Carroll's 1915 Edition, relating to requisitions for fugitives from justice.

S. B. 73. An Act amending sections twenty (20) and one hundred and twenty-eight (128) of the Act approved July 1, 1893, entitled, "An Act for the government of cities of the first class;" said sections being designated, respectively, as sections 2788 and 2913, Kentucky Statutes, Carroll's Edition, 1915, and relate to the enactment, in such cities of ordinances imposing fines for misdemeanors, and the imposition of fines and penalties by the Police Courts of such cities.

S. B. 255. An Act to provide, excepting certain cases, for the taking of testimony of witnesses orally in open court in suits in equity in circuit courts other than those of continuous session, etc.

S. B. 203. An Act establishing a road to run from Newcastle, in Henry County, by way of North Pleasureville, Elmburg and Jacksonville to Frankfort, as a State primary road and designating said road as Project No. 19A.

S. B. 267. An Act to amend and re-enact sec. 5 of chapter 17 of the Acts of the General Assembly of 1920, entitled: "An Act relating to roads and bridges; creating the Department of State Roads and Highways, providing for officers to administer it and prescribing the powers and duties of such officers; fixing the salary of the State Highway Engineer and prescribing the amount which may be expended by said Department; prescribing laws governing said department and the officers therein; excepting the provision of the Federal law providing that the United States shall assist in the construction of rural post roads and making appropriation for co-operative work with the United States Government; providing for the State's part of the construction of State Aid

Roads under the present law; providing for the acceptance of and making binding gifts and donations; establishing and designing a primary system of State Highways and providing for their construction and maintenance; providing for the obtaining of rights of way and naming cities and towns from which construction shall commence; and repealing subsec. 1, 2, 4, 5, 6 and 7 of Sec. 4356t, Kentucky Statutes, Edition 1915; also repealing sec. 4356u and subsections 1, 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 25, of Sec. 4356x, Kentucky Statutes, Edition 1915, and the Supplement as Vol. 3, repealing any other Act or Acts in conflict therewith.

S. B. 277. An Act to amend sec. 5, project 32, of chapter 17 of the Acts of General Assembly, 1920, by adding to and extending said project.

S. Res. 33. Joint Resolution asking the State Board of Charities to rent a farm.

Said bills and resolution were ordered printed and referred to Committee on Rules.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a Resolution of the following title, viz.:

H. Res. 25. Resolution for the benefit of William D. Overton.

Said Resolution is as follows, viz.:

Whereas, because of a resolution of the General Assembly William D. Overton in firing a cannon in celebration of the anniversary of the birthday of the Irish patriot, Robert Emmet, was dreadfully and permanently injured as a result of which he is a hopeless and helpless and dependent cripple and invalid.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the sum of \$600.00 annually, payable \$50.00 monthly, be and the same is appropriated out of any moneys in the Treasury not otherwise appropriated for his relief.

The said sum to be paid annually so long as the said William D. Overton shall live.

Mr. Quarles offered the following Amendment, viz.:

“Amend H. Res. 25 by adding the following language to said resolution:

‘The said sum to be paid annually so long as the said William D. Overton shall live.’ ”

Said Amendment was agreed to.

Ordered that said Resolution be read the third time, and engrossed.

The Constitutional provision as to the third reading of said resolution at length being dispensed with and the same being engrossed, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

R. M. Amos	A. W. Dorsey	Bryant Green
C. W. Bennett	W. D. Duncan	Ed. A. Gullion
J. E. Bickett	George W. Ellis	J. Edgar Hadden
W. R. Button	Mrs. M. E. Flannery	Arch L. Hamilton
Lee Clark	Emery L. Frazier	Oscar P. Harvey

Thos. O. Holder	Ed. P. Murrah	Ira D. Smith
N. T. Hopkins	B. A. Muster	R. F. Stewart
David J. Howard	C. D. McCaw	Frank L. Strange
Frank J. Humbert	R. D. McMurtry	Geo. F. Thompson
R. O. Huntsman	Chas. A. Nelson	D. D. Thornberry
Lester Jeter	Geo. W. Newman	John M. Tinsley
H. R. Lawrence	D. A. O'Donovan	Garnett W. Tolin
Oscar Leibson	C. C. Oney	N. I. Toombs
Leon P. Lewis	James Park	John L. Trumbo
Martin Light	Arch M. Quarles	Geo. C. Waggoner
Rufus Lisle	R. I. Rice	W. T. Walker
C. C. May	Arthur Saunders	W. S. Wallen
Harry J. Meyers	David I. Scott	W. D. Watkins
Harry B. Miller	Lee L. Simons	J. B. Wicker
R. C. Moore	Reuben E. Skaggs	
S. H. Moore	George W. Smith	

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Resolved that the title thereof be as aforesaid.

Mr. Simons moved that the vote by which said resolution was adopted be reconsidered and that motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day a resolution of the following title, viz.:

S. Res. 31. A resolution providing for the payment of Contestant and Contestee, and others in the matter of Oldham against Wallace pending and decided in the Senate of the Commonwealth of Kentucky.

Said resolution is as follows, viz.:

Concurrent resolution providing for the payment of expenses of contestant and contestee and others in the matter of Oldham vs. Wallace, pending and decided in the Senate of the Commonwealth of Kentucky.

Whereas, R. C. Oldham of Madison County, Kentucky, instituted and conducted a contest against Hon. William L. Wallace, for the office of Senator of and from the 29th Senatorial District of Kentucky before the Senate of Kentucky, which contest was heard on the 24th day of January, 1922, and on the day of January decided in favor of contestee, and

Whereas, it appears that in instituting, prosecuting, contesting and defending said seat in the Kentucky Senate both parties have incurred expenses which were necessary thereto, and that said expenses have been fully exemplified by the production of itemized accounts filed with the Contest Committee, it being shown that the following sums have been expended by the parties to said contest, to-wit:

Wm. L. Wallace—

Witness fees and expenses	\$80.72
Stenographer's fees	18.00
Attorneys' fees, E. C. O'Rear and W. T. Fowler.....	400.00
Total	\$498.72

R. C. Oldham—

Personal and witness expenses (paid by self).....	\$67.00
Expenses of witnesses (paid by others).....	113.90
Attorneys' fees, M. M. Logan and C. H. Morris.....	300.00

Total	\$480.90
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Harry G. Bright	\$43.00
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and it appearing that said expenses, charges and attorneys' fees are reasonable, and that all should be promptly paid as a contingent expense of the Senate.

Be it resolved by the Senate of Kentucky, the House of Representatives thereof concurring:

(1) That all of said expenses, fees and charges as above set out be and the same are now approved and allowed.

That the said accounts be certified by the Clerk and presiding officers of the Senate and House of Representatives to the Auditor for payments, and upon being so certified the Auditor will draw a warrant against the Treasury in the sum of \$498.72 payable to William Wallace or his attorneys, and likewise a warrant payable to R. C. Oldham or his attorneys in the sum of \$480.90 and likewise a warrant payable to Harry G. Bright for \$43.00 covering stenographer's services rendered the committee.

Very respectfully,

(Signed) T. R. WELCH,

FRANK DAUGHERTY,

F. M. WHITE,

GRIFFEN KELLY,

HERMAN MONROE.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows. viz.:

Those who voted in the affirmative were—

R. M. Amos	O. A. Denton	J. Edgar Hadden
C. W. Bennett	G. Givens Dixon	Oscar P. Harvey
J. E. Bickett	A. W. Dorsey	Thos. O. Holder
W. M. Boling	H. C. Duffy	N. T. Hopkins
Thos. Bowman	W. D. Duncan	David J. Howard
Berl Boyd	George W. Ellis	R. O. Huntsman
W. R. Button	Mrs. M. E. Flannery	Lester Jeter
Sam A. Cary	W. L. Gossett	Ira Jones
F. B. Cross	Bryant Green	Leon P. Lewis
Bryce Cundiff	Ed. A. Gullion	Martin Light

Rufus Lisle	H. Walter Pierce	John M. Tinsley
C. C. May	S. R. Powell	N. I. Toombs
Harry J. Meyers	Arch M. Quarles	Chas. B. Truesdell
Harry B. Miller	R. I. Rice	Geo. C. Waggoner
Claude D. Minor	Arthur Saunders	W. T. Walker
R. C. Moore	Lee L. Simons	W. S. Wallen
S. H. Moore	George W. Smith	W. D. Watkins
C. D. McCaw	Ira D. Smith	W. G. Wheeler
E. E. Nelson	R. F. Stewart	J. B. Wicker
Chas. A. Nelson	Frank L. Strange	T. C. Willis
D. A. O'Donovan	H. Q. Thompson	
C. C. Oney	D. D. Thornberry	

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Resolved that the title thereof be as aforesaid.

At the instance of the Committee on Rules, the House took up for consideration from the Clerk's Desk a resolution of the following title, viz.:

S. Res. 19. Resolution asking Congress to maintain lighthouse at Louisville.

Said Resolution is as follows, viz.:

Whereas, the Ohio River is one of the great navigable streams of the United States; and

Whereas, the falls in said river at Louisville, Kentucky, are a constant menace and danger to navigation; now therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Congress of the United States be requested to make provision for the erection and maintenance of a lighthouse on the falls of the said river at Louisville, Kentucky, for the purpose of better security to navigation of said river. Be it further resolved that each member of Congress from

the State of Kentucky and the two United States Senators from the State of Kentucky be requested to use their best efforts in securing the enactment of a law for this purpose by the Congress of the United States.

Said Resolution was adopted.

At the instance of the Committee on Rules, the House took up for consideration from the Clerk's Desk, a resolution of the following title, viz.:

S. Res. 25. Resolution to have the name of Gen. John Stuart Williams, an honored soldier, inscribed on the State Battle Monument in the Frankfort Cemetery.

Said Resolution is as follows, viz.:

Whereas, John Stuart Williams, of Clark and Montgomery counties, at the head of his company of one hundred men, the Clark County Independent Rifles, stormed the heights and won the battle of Cerro Gordo, in the Mexican War under General Winfield Scott, winning imperishable renown and was brevetted to a colonelcy and given command of a Kentucky regiment, participated in the battles of Contreras, Churubusco, Molino del Rey and Chapuletepec, and then awarded a bag by General Scott for having the best drilled and finest appearing regiment in the army, with the further honor of heading the Army of Occupation and escorting the Commander in Chief when they marched into and occupied the Mexican capital, thus reflecting glory upon the State and country, and

Whereas, his name and fame are entitled to grateful recognition and commemoration at the hands and in the hearts of the American people, and especially the people of Kentucky,

Therefore, be it resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the name of the said General John Stuart Williams be inscribed on the Battle Monument in the State lot in the Frankfort cemetery in that space set apart in commemoration of the Battle of Cerro Gordo, on the State monument, and that the Governor is requested to have this resolution carried into effect.

Said Resolution was adopted.

At the instance of the Committee on Rules, the House took up for consideration from the Clerk's Desk, a resolution of the following title, viz.:

S. Res. 30. Concurrent Resolution for the appointment of a commission looking to the acquisition of Mammoth Cave property and such adjacent properties as may be deemed desirable by the National Government for National Park purposes.

Said Resolution is as follows, viz.:

Whereas, the Mammoth Cave region of Kentucky has long been recognized as the most unique and wonderful cavernous region of the entire world; and

Whereas, Parts of said region already established as private parks have been preserved in their natural condition, and conducted under private ownership as recreational parks; and

Whereas, the great caverns of the region and the natural beauty of the district annually attract thereto scores of thousands of tourists from all parts of the United States and foreign countries; and,

Whereas, no adequate accommodations exist at present

in the Mammoth Cave Region for the proper housing, sanitary and personal security of said visitors; and,

Whereas, under the construction of a now famous will, a great portion of said region will, by the operation of time, soon fall into other private hands, when as a matter of State and National pride, the region should by any and all means be established as a State or National Park; and,

Whereas, it is apparent at this time that Kentucky is not able to take said region over and conduct thereon a State Park; and,

Whereas, for a long time the acquisition of the Mammoth Cave properties and adjacent properties has been under consideration by the National Government for the establishment of a National Park; now

Be it resolved by the Senate of Kentucky, the House of Representatives thereof concurring:

(1) That there shall be appointed by the Governor of the Commonwealth a Commission of three representative and public spirited citizens of Kentucky to be known and styled, "The Mammoth Cave Park Commission," one member thereof to be designated by the Governor as Chairman of said Commission, all to serve without compensation, or any expense to the Commonwealth.

(2) It shall be the duty of said committee to act in an executive capacity, in co-operation with the Government of the United States and the Congress thereof, looking to the acquisition of said Mammoth Cave property and such adjacent properties as the Government and Congress may deem proper and wise.

(3) Said Commission shall have authority to organize, initiate and carry out any and all movements necessary and advisable looking to the nationalization of said region as a National Public Park, in co-operation with the constituted National Authorities.

(4) The members of the Commission shall serve for a period of two years from the date of appointment, and in case of a vacancy occurring the Governor shall fill same by appointment.

(5) The Commission shall report its accomplishments to the General Assembly of 1924, and shall report to the Governor at any time they deem proper, or upon request of the Governor.

(6) A copy of this resolution shall be read into the record of the General Assembly of Kentucky and additional copies shall be sent to the Congress of the United States, the Secretary of the Interior and the several Senators and Representatives from Kentucky in Washington, D. C.

Said Resolution was adopted.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 242. An Act providing for the adoption of a commission form of government for cities of the fifth and sixth classes, and providing a method by which the judicial functions of such cities may be vested in the Quarterly Court and the police functions in the peace officers of the county.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Any city of the fifth or sixth class under the laws of the Commonwealth of Kentucky may become organized and be governed under the provisions of this act by proceeding as hereinafter provided. Organization under this act shall not change the corporate entity of any such city, but the body politic and corporate shall remain the same body as it now is.

§ 2. All laws applicable to and governing such cities, and not inconsistent with the provisions of this act, shall continue to apply to and govern each city that may organize under this act. All bylaws, ordinances and resolutions in force in such city, and not inconsistent with the provisions of this act, shall continue to be in force until altered or repealed in the manner provided for in this act.

§ 3. It shall be the duty of the County Judge in the county in which is located a city proposing to take the sense of its voters, as herein provided, upon the question of organizing and being governed under this act, upon the application by written petition, signed by a number of legal voters of said city equal to twenty per centum of the votes cast in said city at the last preceding general election, to receive said petition, and at the next regular term of the County Court thereof to make an order in his order book, directing an election to be held in said city at the next regular election occurring not nearer than sixty days after the date said application is lodged with the said Judge. The order of the County Court calling said election shall direct the sheriff on the date fixed to open the polls at each and all of the voting places in said city, for the purpose of taking the sense of the qualified voters in said city on the question of whether or not the citizens of said city are in favor of the organization and government of said city under the provisions of this act. The question to be submitted to the voters shall be: "Are you in favor of the organization and government of the city of (naming said city) under the commission form of government?" Two small squares shall be placed on the ballot to the right of the question submitted, one for votes favoring the adoption of the commission form of government to be designated by the word "Yes," and one for the votes opposing the adoption of the commission form of government to be designated by the word "No." The question shall be submitted on a separate ballot, which shall be prepared by the

County Court Clerk in the manner that other ballots are prepared. The cost of the preparation of said ballot shall be paid for by the city. It shall be the duty of the sheriff to advertise said election and the purposes thereof in some weekly or daily newspaper published or circulated in the said city for at least two weeks before the election, and also to advertise the same by written or printed hand bills posted in at least five conspicuous places in the said city for the same length of time. Said election shall be conducted by the regular election officers, and the votes shall be canvassed by the same officers as canvass the regular election returns. If a majority of the votes cast on the question shall be in favor of organizing and governing the city under the provisions of this act, said fact shall be certified by the canvassing board of the county to the County Court Clerk, and a copy of same shall be certified to the City Clerk, and said copy shall be spread upon the records of said county, and shall also be spread upon the records of said city at the next regular meeting of the city council following the receipt of such certificate.

§ 4. If the commission form of government shall be adopted by any city, as herein provided, all the officers of the city then serving shall continue to hold their offices until the expiration of their terms, at which time all of said offices shall be abolished.

§ 5. At the first regular November election after the adoption of the commission form of government, under the provisions of this act, at which city officers would be elected but for the adoption of the commission form of government, and every four years thereafter, there shall be elected by the qualified voters of such city three commissioners, in whom shall be vested all the legislative, executive and administrative powers of the city. At the same time that the commissioners herein provided for are elected, there shall also be elected a Mayor and a Police Judge, each of whom shall hold office for a term of four years. The term of office of the Mayor, Police

Judge and Commissioners shall begin on the first Monday in January following their election.

§ 6. No person shall be eligible to the office of Mayor, Police Judge or Commissioner unless he has been a resident and a legal voter in said city for one year next preceding the date of his election, and unless he can read and write the English language.

§ 7. The Mayor and the three Commissioners herein provided for shall constitute a Board of Commissioners, and in this board shall be vested all the legislative, executive and administrative powers of the city. Three members of the Board of Commissioners shall constitute a quorum. Upon each vote the yeas and nays shall be recorded, and each motion, resolution and ordinance shall be reduced to writing and read before the vote is taken thereon. The Mayor shall preside at all meetings of the board, but he shall have no veto power. Each resolution, measure or ordinance shall be signed by him or by two Commissioners and recorded before it shall take effect. The Board of Commissioners shall, at the beginning of its term of office, elect by a majority of its members one Commissioner to act as Mayor pro tem; and the Commissioner so chosen shall have all the powers and perform all the duties of a Mayor, in event of his absence from the city or of his inability to attend to the duties of his office.

§ 8. The Board of Commissioners shall meet at least once a month for the transaction of its business, and by ordinance shall fix the times for holding its regular meetings. Special meetings may be called at any time by the Mayor or by two Commissioners, after three days' notice to all members of the board. All meetings shall be public.

§ 9. Every ordinance or resolution ordering the construction or reconstruction of any street or sewer, or making or authorizing any contract involving the expenditure of more than one hundred dollars, or granting any franchise or the right to use or occupy the streets, highways, bridges or public

places of the city for any except a merely temporary purpose, shall after its introduction and before its adoption remain on file at least one week for public inspection in the completed form in which it shall be put upon its final passage; and no such ordinance or resolution shall go into effect until the expiration of ten days after its passage, except in cases of emergency the public health or safety shall require that it take immediate effect, which fact shall be declared by the unanimous vote of the Board of Commissioners.

§ 10. The administrative functions of the city shall be classed under four departments:

1. Department of Public Affairs.
2. Department of Public Finance.
3. Department of Public Safety.
4. Department of Public Works.

§ 11. The Board of Commissioners shall determine the functions of each department, and shall prescribe the duties of its Commissioner and employees. It may assign an employee to one or more departments or require an employee to perform duties in two or more departments. It shall make all rules and regulations as to the conduct of the various departments as may be necessary and proper for the efficient and economic conduct of the business of the city.

§ 12. The Mayor shall be the Commissioner of the Department of Public Affairs, and he shall have a general advisory supervision over the affairs of all the departments. The Board of Commissioners shall, at its first regular meeting, designate by majority vote one Commissioner to have superintendence of the Department of Public Finances; one other Commissioner to have superintendence of the Department of Public Safety; and one other Commissioner to have superintendence of the Department of Public Works.

§ 13. The Board of Commissioners shall also at its first meeting, or as soon thereafter as may be practicable, appoint all such employees as may be necessary for the proper and

efficient conduct of the affairs of the city. All such employes shall be agents, not officers of the city; and they shall perform such duties, and for such compensation as the Board of Commissioners may by ordinance prescribe. Each employe shall be selected with reference solely to his fitness, and for the good of the public service (without reference to his political faith or party affiliation) and the Board of Commissioners shall adopt such rules and regulations looking to the appointment and discharge of employes as will tend to carry out the spirit of this provision and lead to the establishment of the merit system in public service. Each of said agents shall give a bond for the faithful discharge of his duty in such amount as the Mayor and the Commissioner shall fix, not less than five hundred (\$500.00) dollars.

§ 14. The Board of Commissioners may, by ordinance, abolish the office of Police Judge, in which event the Quarterly Court of the county in which such city is located, and the Judge thereof, shall take jurisdiction of all city ordinances imposing fines and forfeitures, and shall have full power to enforce all judgments rendered thereon, and such judgments, after paying the costs and commissions allowed by law, shall be for the use and benefit of the said city.

§ 15. In all cities operating under the provisions of this act, where there is no police force provided for, the peace officers of the county shall be charged with the same duties of enforcing the law and maintaining the peace as they are charged with in the county outside of the limits of such city.

§ 16. Any city operating under the provisions of this act may, by ordinance, provide that the valuation of property located in said city, as made by the County Tax Commissioner in his assessment for county purposes and equalized by the County Board of Supervisors, shall be used by said city for city taxation purposes, in lieu of a separate assessment by said city; and the city may, by ordinance, provide for the collection of all city taxes, either by a city collector or by the

sheriff of the county. If the collection of the city taxes under this act is entrusted to the sheriff of the county, he shall be paid for collecting same the same compensation now allowed by law for collecting State and County taxes.

§ 17. Candidates for Mayor, Police Judge and Commissioner under the provisions of this act shall be nominated and elected in the following way: It shall be the duty of the County Court Clerk to prepare a separate ballot for use in such city, on which shall be placed in one group the names of all candidates for Mayor, in another group the names of all candidates for Police Judge, and in another group the names of all candidates for Commissioner, in whose behalf he may have been petitioned to do so in writing by not fewer than twenty-five legal voters of said city entitled to vote in said election, which petition must be filed in the office of the County Court Clerk not less than twenty days before the day of the election, and no person shall sign the petition of more than one candidate for Mayor, nor the petition of more than one candidate for Police Judge, nor the petition of more than three candidates for Commissioner. The names of the candidates nominated as herein provided shall not appear under any device or emblem whatever, but the group containing the names of candidates for Mayor shall be headed by the words, "For Mayor," the group for Police Judge by the words, "For Police Judge," and the group for Commissioner shall be headed by the words, "For City Commissioners." The ballot on which the names of candidates for city officers appear shall be separate from the general election ballot. No voter at the regular election shall cast his vote for more than one candidate for Mayor, nor for more than one candidate for Police Judge, nor for more than three candidates for Commissioner. A ballot stamped for more than one candidate for Mayor shall not be counted for any candidate for that office; a ballot stamped for more than one candidate for Police Judge shall not be counted for any candidate for Police Judge; and

a ballot stamped for more than three candidates for Commissioner shall not be counted for any candidate for that office.

§ 18. All officers elected under the provisions of this act shall, before entering upon the discharge of their duties, take an oath to faithfully perform the duties of their office, and shall execute a bond to the city for the faithful performance of their duties in the penal sum of five hundred dollars (\$500.00), to be approved by the County Judge.

§ 19. Whenever the citizens of any city which shall have been organized and governed under the provisions of this act for a period of four years shall desire that the organization and government of such city under the provisions of this act shall terminate, the sense of the legal voters on the question shall be taken in the same manner as it is herein provided to take the sense of the legal voters on the question of the organization and government of the city under the provisions of this act.

Together with a Committee Amendment thereto.

Said Committee Amendment is as follows, viz.:

“Amend H. B. 242 by adding Sec. 20, which shall read as follows:

Sec. 20. Where a town of the fifth or sixth classes lies in two or more counties, than the petition asking for the election on the commission form of government, as provided in Sec. 3 of this Act, shall be filed with the County Judge of the county in which the greater number of the inhabitants of said city reside, and the election shall be ordered by the County Judge and held by the sheriff, as provided in Sec. 3, of the county in which the greater number of inhabitants of such town reside.

Said Amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Bennett	Leon P. Lewis	Ira D. Smith
J. F. Bosworth	Martin Light	R. F. Stewart
Thos. Bowman	Rufus Lisle	Frank L. Strange
W. R. Button	C. C. May	Geo. F. Thompson
Lee Clark	Harry B. Miller	D. D. Thornberry
Bryce Cundiff	Claude D. Minor	John M. Tinsley
A. W. Dorsey	S. H. Moore	Garnett W. Tolin
George W. Ellis	B. A. Muster	N. I. Toombs
Mrs. M. E. Flannery	James Park	Fred C. Vanhooose
W. L. Gossett	H. Walter Pierce	Geo. C. Waggoner
Ed. A. Gullion	Arch M. Quarles	W. T. Walker
J. Edgar Hadden	R. I. Rice	W. S. Wallen
Arch L. Hamilton	David I. Scott	W. D. Watkins
Frank J. Humbert	Lee L. Simons	J. B. Wicker
Oscar Leibson	George W. Smith	—44

Those who voted in the negative were—

R. M. Amos	Thos. O. Holder	D. A. O'Donovan
Sam A. Cary	N. T. Hopkins	C. C. Oney
E. B. Cross	Wright Kelly	S. R. Powell
J. C. Day	R. C. Moore	Reuben E. Skaggs
O. A. Denton	Ed. P. Murrah	H. Q. Thompson
G. Lucien Drury	C. D. McCaw	T. C. Willis
Dr. H. M. Fultz	Chas. A. Nelson	—20

Resolved that the title thereof be as aforesaid.

Mr. Simons moved that the vote by which said bill was passed be reconsidered and that motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, Mr. Simons reported the following bills with the expression of opinion that they ought to pass, viz.:

S. B. 240. An Act to change the name of the Eastern Kentucky Normal School and the name of the Western Kentucky Normal School.

S. B. 181. An Act authorizing cities of the first and second classes to create a City Planning Commission with power to make a survey and plan of the city and of land contiguous or related thereto; to provide for the regulation of the height, area and use of buildings and for zoning of the city and with power to approve the recording of plats and subdivisions of land.

S. B. 281. An Act to amend and re-enact Sec. 1934, Kentucky Statutes, Carroll's 1915 Edition, relating to requisitions for fugitives from justice.

S. B. 73. An Act amending section twenty (20) and one hundred and twenty-eight (128) of the Act approved July 1, 1893, entitled, "An Act for the government of cities of the first class;" said sections being designated, respectively, as sections 2728 and 2913, Kentucky Statutes, Carroll's Edition, 1915, and relating to the enactment, in such cities of ordinances imposing fines for misdemeanors, and the imposition of fines and penalties by the Police Courts of such cities.

S. B. 255. An Act to provide, excepting certain cases, for the taking of testimony of witnesses orally in open court

in suits in equity in circuit courts other than those of continuous session, etc.

S. B. 203. An Act establishing a road to run from Newcastle, in Henry County, by way of North Pleasureville, Elmburg and Jacksonville to Frankfort, as a State primary road and designating said road as project No. 19A.

S. B. 267. An Act to amend and re-enact sec. 5 of chapter 17 of the Acts of the General Assembly of 1920, entitled: "An Act relating to roads and bridges; creating the Department of State Roads and Highways, providing for officers to administer it and prescribing the powers and duties of such officers; fixing the salary of the State Highway Engineer and prescribing the amount which may be expended by said Department; prescribing laws governing said department and the officers therein; excepting the provision of the Federal law providing that the United States shall assist in the construction of rural post roads and making appropriation for co-operative work with the United States Government; providing for the State's part of the construction of State Aid Roads under the present law; providing for the acceptance of and making binding gifts and donations; establishing and designing a primary system of State Highways and providing for their construction and maintenance; providing for the obtaining of rights of way and naming cities and towns from which construction shall commence; and repealing subsec. 1, 2, 4, 5, 6 and 7 of Sec. 4356t, Kentucky Statutes, Edition 1915; also repealing sec. 4356u and subsec. 1, 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 25 of Sec. 4356x, Kentucky Statutes, Edition 1915, and the Supplement as Vol. 3, repealing any other Act or Acts in conflict therewith.

S. B. 277. An Act to amend sec. 5, project 32, of chapter 17, of the Acts of the General Assembly, 1920, by adding to and extending said project.

S. Res. 33. Joint Resolution asking the State Board of Charities to re-rent a farm.

S. B. 246. An Act to amend and re-enact sec. 11, chapter 69, of the Acts of the General Assembly of 1918, entitled: "An Act to suppress, prevent, control and eradicate communicable diseases in live stock to provide the necessary officers and define their duties and to appropriate funds necessary for its enforcement and repealing Sec. 63A, Article 2, Chapter 5, Carroll's 1915 Edition of the Kentucky Statutes."

S. B. 284. An Act relating to roads and bridges and amending chapter 17, Acts of the General Assembly of 1920, by adding thereto as project No. — extending from Florence to Burlington.

Said bills were read at length the first time and ordered to be placed on the Calendar.

The House took up for consideration from the Calendar, bills of the following titles, viz.:

S. B. 30. An Act amending an Act entitled: "An Act to amend and re-enact sec. 3140 and 3138, Kentucky Statutes, Carroll's 1915 Edition, being a part of the charter of cities of the second class to create and perpetuate a pension fund for Police and Firemen, their widows, children, fathers and mothers and to pension members thereof after a term of years."

S. B. 12. An Act to amend Sec. 18 of an Act of the General Assembly of the Commonwealth of Kentucky passed at the 1918 session which is chapter 64 of the Acts of 1918, relating to the drainage and the prevention of overflow of lands, towns, cities, roads, streets, the establishment, organiza-

tion and maintenance of drainage, levee and reclamation districts, etc.

S. B. 225. An Act for the benefit of the Red Cross Association (Colored) of Louisville.

S. B. 165. An Act to establish project 61 in the primary system of State Highways.

S. B. 175. An Act authorizing dentists who have practiced their profession continuously for 12 years to register in the county clerk's office in their home county and prescribing regulations concerning same.

S. B. 248. An Act to amend and re-enact sec. 22 of chapter 54 of the Acts of the General Assembly of 1910, relating to the commitment, care, treatment, training, segregation and custody of feeble-minded, epileptic and insane persons as amended by chapter 66 of the Acts of the General Assembly of 1920.

S. B. 275. An Act to amend and re-enact sec. 1158, Kentucky Statutes, Carroll's Edition of 1915.

Ordered that said bills be read the second time.

The Constitutional provision as to the second reading of said bills at length being dispensed with, they were read the second time by their titles.

Ordered that said bills be placed in the Orders of the Day.

A message was received from the Senate announcing that they had passed bills of the following titles, viz.:

S. B. 143. An Act relating to roads and bridges, and

amending chapter 17, Acts of the General Assembly of the Commonwealth of Kentucky, 1920, by adding thereto as project No. — extending from Greenville, Muhlenberg County, to Morgantown, Butler County, Kentucky, via Drakesboro, Browder, Innis, Rochester, South Hill, Dunbar to Morgantown, and project No. —, extending from Calhoun via Livermore, Hefflin and Hartford, to Rosine.

S. B. 184. An Act to amend and re-enact Sec. 2072 of the Kentucky Statutes (Carroll's Edition of 1915), chapter 64, article 1, and concerning the control of adoptions; control of adopted persons or infants; consent by parents or institutions to adoptions; contracts connected with adoptions; and the powers and procedure of circuit courts in such cases.

S. B. 280. An Act to provide for a progressive tax on direct and collateral inheritances; and to amend Sec. 4281a of Carroll's Kentucky Statutes, 1915, as amended by an Act entitled: "An Act providing for a progressive tax on direct and collateral inheritances," being chapter 26 of the Acts of the General Assembly of 1916; and to provide for the distribution of the income from the tax so provided.

S. B. 60. An Act to create the office of Comptroller as desired by the voters of the various cities districts and counties of this Commonwealth providing for his powers, duties, responsibilities and compensation and penalties for the violation of the provisions thereof by the Comptroller or other persons.

S. B. 279. An Act to amend an Act entitled: "An Act to amend and re-enact sec. 3449, 3450, 3451, 3452, 3453, 3454, 3455, 3456, 3457, 3458, 3459 of the Kentucky Statutes relating to the control and improvement of public streets, alleys, sidewalks, roads, lanes, avenues, highways, and thoroughfares in cities of the third class."

Ordered that said bills be printed and referred to Committee on Rules.

That they had passed a bill which originated in this House, viz.:

H. B. 392. An Act to fix and regulate the time of holding the terms of Circuit Courts in the Twentieth Judicial District.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 450. An Act to amend and re-enact sec. 861 of the Kentucky Statutes, 1918 Supplement, and being also Sec. 861, chapter 144, of the Acts of 1920, entitled: "An Act to amend Sec. 854 to 878, both inclusive, of the Kentucky Statutes of 1915 compiled by the Hon. John D. Carroll, and to regulate the organization, incorporation, operation and management of buildings and loan associations, creating the department of Building and Loan Associations in the office of the Banking Commissioner and providing for the appointment of examiners and prescribing their duties and for the examination of all building and loan associations organized and doing business under the laws of this Commonwealth" and to provide that building and loan associations may borrow money for purposes not inconsistent with the objects of such associations and to authorize the directors of such associations to cause the interest bearing obligation of obligations of the association to be issued therefor and to further provide that for purpose of making loans upon real estate the directors of such associations shall have authority to cause to be issued bonds and to deposit real estate notes of double amount of bonds issued as security with power to the association to change such notes so deposited and substitute in lieu thereof

other notes of same or greater amount and to limit the amount which such association may borrow.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 861 of Chapter 144 of the Acts of the Session of the General Assembly of the year 1918, which reads as follows:

“Section 861. Power to Borrow Money. The directors shall have power to borrow money for such temporary uses and purposes of the association as the exigencies of the business may demand and as are not inconsistent with the objects of the association. To secure such loans, the directors may cause the obligation or obligations of the association to be issued therefor, bearing interest at not to exceed the then legal rate. No such loan or loans shall have a longer duration than one year, nor shall the aggregate amount of such outstanding indebtedness at any time exceed fifteen (15) per centum of the first three hundred thousand (\$300,000.00) dollars of assets composed of dues paid in and five (5) per centum of the assets, composed of dues paid in, in excess of three hundred thousand (\$300,000.00) dollars. Before any money shall be borrowed, the board of directors shall first, by a majority vote of all members, pass and record a resolution to that effect.”

Is hereby amended and re-enacted so that it shall read as follows:

“Section 861. Power to Borrow Money. The directors shall have power to borrow money for such uses and purposes of the association as the exigencies of the business may demand and as are not inconsistent with the objects of the association. To secure such loans the directors may cause the obligation or obligations of the association to be issued

therefor. The directors shall also have power, for the purpose of obtaining funds for making loans upon real estate, to authorize the issuance of bonds secured by real estate notes secured by first mortgage in the aggregate of double the amount of such bonds issued, which notes shall be deposited with a trust company, authorized to do business under the laws of this State, and at the time of the issuance of such bonds the said trust company, so selected as depository, shall cause the bonds to be endorsed 'This bond is secured by real estate notes of double the amount thereof' which endorsement shall be signed by the president or duly authorized officer of the trust company. The association shall at all times have the right to withdraw any of the notes so deposited and substitute other notes of same or greater amount. No obligations shall be issued by any association bearing interest in excess of the then legal rate. Before any money shall be borrowed or bonds executed as hereinbefore provided for the directors shall first by a majority vote of all members pass and record a resolution to that effect.

Provided, however, that no obligation issued shall have a longer duration than five (5) years, nor shall the aggregate amount of such outstanding obligations exceed fifty (50) per centum of assets.

§ 2. It appearing that there is urgent need for money to enable associations to supply the demands for the buying and building of homes an emergency is declared to exist and this act shall become effective upon its approval by the Governor.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said

bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

R. M. Amos	Oscar P. Harvey	David I. Scott
C. W. Bennett	Thos. O. Holder	Lee L. Simons
J. E. Bickett	N. T. Hopkins	Ira D. Smith
W. M. Boling	David J. Howard	Frank L. Strange
J. F. Bosworth	Lester Jeter	Geo. F. Thompson
John E. Brown	H. R. Lawrence	H. Q. Thompson
W. R. Button	Oscar Leibson	D. D. Thornberry
Sam A. Cary	Martin Light	John M. Tinsley
Bryce Cundiff	Rufus Lisle	Garnett W. Tolin
O. A. Denton	Harry J. Meyers	N. I. Toombs
A. W. Dorsey	Harry B. Miller	Fred C. Vanhooose
G. Lucien Drury	Claude D. Minor	Geo. C. Waggoner
George W. Ellis	S. H. Moore	W. T. Walker
Mrs. M. E. Flannery	Chas. A. Nelson	W. S. Wallen
W. L. Gossett	Geo. W. Newman	W. D. Watkins
Ed. A. Gullion	C. C. Oney	J. B. Wicker
J. Edgar Hadden	James Park	

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Those who voted in the negative were—

Berl Boyd	H. C. Duffy	C. D. McCaw
Lec Clark	Wright Kelly	R. I. Rice
E. B. Cross	R. C. Moore	Reuben E. Skaggs
G. Givens Dixon	Ed. P. Murrah	

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Resolved that the title thereof be as aforesaid.

Mr. Simons moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 430. An Act to amend an Act relating to roads and bridges and being chapter 17 of the Acts of the General Assembly of the year 1920.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section Five of Chapter Seventeen of the Acts of the General Assembly of 1920 be and the same is hereby amended, and re-enacted by striking out of Project No. 21½ after the words Lenoxburg to Caddo, the following words "to the most feasible point on Project No. 21" and adding in lieu thereof the following words, "To intersect road Project No. 21 at Alexandria, via Peach Grove, Wesley Chapel and Flag Spring."

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Samuel W. Adams	Lee Clark	Dr. H. M. Fultz
R. M. Amos	E. B. Cross	W. L. Gossett
C. W. Bennett	J. C. Day	Ed. A. Gullion
J. E. Bickett	O. A. Denton	J. Edgar Hadden
J. F. Bosworth	A. W. Dorsey	Oscar P. Harvey
W. R. Button	G. Lucien Drury	N. T. Hopkins
Sam A. Cary	W. D. Duncan	David J. Howard
Chas. Chandler	George W. Ellis	Frank J. Humbert

Lester Jeter	Chas. A. Nelson	D. D. Thornberry
Wright Kelly	Geo. W. Newman	John M. Tinsley
H. R. Lawrence	D. A. O'Donovan	Garnett W. Tolin
Leon P. Lewis	C. C. Oney	N. A. Toombs
Martin Light	Brodie Payne	Chas. B. Truesdell
Rufus Lisle	H. Walter Pierce	Fred C. Vanhooose
Harry J. Meyers	S. R. Powell	Oscar Vest
Harry B. Miller	Arch M. Quarles	W. T. Walker
Claude D. Minor	R. I. Rice	W. S. Wallen
R. C. Moore	Arthur Saunders	W. D. Watkins
S. H. Moore	George W. Smith	W. G. Wheeler
C. D. McCaw	Ira D. Smith	T. C. Willis
R. D. McMurtry	R. F. Stewart	
E. E. Nelson	Geo. F. Thompson	

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Resolved that the title thereof be as aforesaid.

Mr. Simons moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 467. An Act to amend an Act, entitled: "An Act relating to roads and bridges, and establishing a system of primary roads for the State of Kentucky and known as chapter 17 of the Acts of 1920.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Project No. 10 of Section 5 of Chapter 17 of the Acts of 1920 be amended by adding thereto the following Project No. 10c. Beginning at Princeton, Caldwell County,

and running a road to Hopkinsville, Christian County, connecting with Project No. 2.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Bennett	David J. Howard	S. R. Powell
J. E. Bickett	Lester Jeter	Arch M. Quarles
W. M. Boling	Ira Jones	R. I. Rice
J. F. Bosworth	Wright Kelly	Arthur Saunders
W. R. Button	H. R. Lawrence	Lee L. Simons
Chas. Chandler	Leon P. Lewis	George W. Smith
Lee Clark	Martin Light	Ira D. Smith
E. B. Cross	Rufus Lisle	R. F. Stewart
J. C. Day	Harry J. Meyers	Geo. F. Thompson
O. A. Denton	Harry B. Miller	H. Q. Thompson
A. W. Dorsey	Claude D. Minor	D. D. Thornberry
G. Lucien Drury	R. C. Moore	John M. Tinsley
H. C. Duffy	S. H. Moore	Garnett W. Tolin
George W. Ellis	Ed. P. Murrah	N. J. Toombs
Mrs. M. E. Flannery	E. E. Nelson	Fred C. Vanhooose
Dr. H. M. Fultz	Chas. A. Nelson	Oscar Vest
W. L. Gossett	Geo. W. Newman	W. T. Walker
Ed. A. Gullion	D. A. O'Donovan	W. S. Wallen
J. Edgar Hadden	C. C. Oney	W. G. Wheeler
Oscar P. Harvey	Brodie Payne	J. B. Wicker
N. T. Hopkins	H. Walter Pierce	T. C. Willis

Resolved that the title thereof be as aforesaid.

Mr. Simons moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 422. An Act relating to public roads and highways.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) That there be now and is established as one of the primary road projects of the Commonwealth of Kentucky the following, to-wit:

“From Campton via Hazel Green to West Liberty.”

(2) The above project or any part of the primary system of highways in this Commonwealth shall be known as Project 4 of the primary system of highways in the Commonwealth adopted and established by and in Chapter 17 of the Acts of the General Assembly of 1920, and shall receive and be entitled to all the benefits allowed and provided for in said Chapter 17 of the Acts of the General Assembly of 1920.

(3) All acts and parts of acts in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

R. M. Amos	Oscar P. Harvey	C. C. Oney
C. W. Bennett	N. T. Hopkins	H. Walter Pierce
J. E. Bickett	David J. Howard	S. R. Powell
W. M. Boling	Frank J. Humbert	R. I. Rice
Thos. Bowman	Lester Jeter	Arthur Saunders
W. R. Button	Ira Jones	Lee L. Simons
Sam A. Carv	H. R. Lawrence	Ira D. Smith
Chas. Chandler	Leon P. Lewis	R. F. Stewart
Lee Clark	Martin Light	Geo. F. Thompson
J. C. Day	Rufus Lisle	H. Q. Thompson
O. A. Denton	C. C. May	D. D. Thornberry
A. W. Dorsey	Harry J. Meyers	Garnett W. Tolin
G. Lucien Drury	Harry B. Miller	N. I. Toombs
George W. Ellis	Claude D. Minor	Chas. B. Truesdell
Mrs. M. E. Flannery	S. H. Moore	Fred C. Vanhoose
Dr. H. M. Fultz	Ed. P. Murrah	Oscar Vest
W. L. Gossett	R. D. McMurtry	W. T. Walker
Ed. A. Gullion	E. E. Nelson	W. S. Wallen
J. Edgar Hadden	Geo. W. Newman	W. G. Wheeler
Arch L. Hamilton	D. A. O'Donovan	J. B. Wicker

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Resolved that the title thereof be as aforesaid.

Mr. Simons moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 436. An Act to amend and re-enact sec. 9 of chap-

ter 17, Acts of 1920, designating centers of construction in primary system of State Highways.

Said bill is as follows, viz.:

Whereas, the rapid construction of the Primary System of State Highways depends largely upon a uniform and general location of centers of construction, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 9, Chapter 17, of the Acts of 1920, approved March 16, 1920, relating to the Department of State Roads and Highways, be and the same is hereby amended and re-enacted, so that said section, when so amended and re-enacted shall read as follows:

“Section 9. The following cities and towns in the State are hereby declared centers of construction in the Primary System of State Highways heretofore laid out and designated, viz.:

“Each and every county seat, town and city, in the State and in addition thereto the cities of Middlesboro, Guthrie and Fulton.

“The State Highway Commission shall begin the construction of the System of State Highways from these cities and towns as nearly simultaneously as possible, and shall prosecute the work on any and all projects radiating out from these centers as rapidly as finances are available for that purpose, due regard being given to the maintenance of roads built in preceding years under State Aid or otherwise which have been incorporated in this System of State Highways or which have been constructed under this Act.”

§ 2. All Acts or parts of Acts in conflict with this Act are hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Samuel W. Adams	N. T. Hopkins	R. I. Rice
R. M. Amos	David J. Howard	Lee L. Simons
C. W. Bennett	R. O. Huntsman	Ira D. Smith
W. M. Boling	Lester Jeter	R. F. Stewart
Thos. Bowman	Ira Jones	Frank L. Strange
W. R. Button	Wright Kelly	Geo. F. Thompson
Sam A. Cary	H. R. Lawrence	H. Q. Thompson
Chas. Chandler	Leon P. Lewis	D. D. Thornberry
J. C. Day	Rufus Lisle	John M. Tinsley
O. A. Denton	C. C. May	Garnett W. Tolin
G. Givens Dixon	Harry J. Meyers	N. I. Toombs
A. W. Dorsey	Harry B. Miller	Fred C. Vanhooose
George W. Ellis	Claude D. Minor	Oscar Vest
Mrs. M. E. Flannery	S. H. Moore	W. T. Walker
Dr. H. M. Fultz	Ed. P. Murrah	W. S. Wallen
W. L. Gossett	Chas. A. Nelson	W. D. Watkins
J. Edgar Hadden	D. A. O'Donovan	J. B. Wicker
Arch L. Hamilton	H. Walter Pierce	T. C. Willis
Oscar P. Harvey	S. R. Powell	

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Resolved that the title thereof be as aforesaid.

Mr. Simons moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House

took up for consideration from the Orders of the Day a bill entitled:

S. B. 53. An Act to repeal Sec. 659, Kentucky Statutes, relating to Life Insurance.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 659 of the Kentucky Statutes is hereby repealed, and in lieu thereof the following is enacted, to-wit:

All policies hitherto issued by any domestic or foreign life insurance company shall be subject to the provision of law applicable and in force at the date of such issue.

Sub-division 2. From and after the passage of this Act, no policy of life or endowment insurance upon the ordinary plan, other than pure endowments with or without return of premiums, shall be issued or delivered in this State or be issued by any domestic life insurance company, unless the same shall contain in substance the following provision:

(a) A provision that in event of default in premium payments, after premiums shall have been paid for three years, the insured shall be entitled to a stipulated form of insurance, the net value of which shall be at least equal to the reserve on the policy at the date of default (the policy to specify the mortality table and rate of interest adopted for computing such reserve and its conversion into paid-up or extended insurance) less a specified percentage (not more than two and one-half per cent.) of the amount insured by the policy (and of existing dividend additions thereto, if any,) and less any existing indebtedness to the company on or secured by the policy, provided, however, that the said reserve before any deductions have been made shall not be less than if computed in accordance with section 653 of the Kentucky Statutes, except that in the case of intermediate policies, issued in units

of \$500.00, which call for the payment of higher premiums than those charged for standard risks in policies of \$1,000.00 or more as well as in the case of policies which, by reason or residence, occupation or personal or family history or impaired health, also call for the payment of higher premiums than those charged for standard risks, such reserve may be based upon the table of mortality and rate of interest stated in the policy in lieu of that prescribed by Section 653 of the Kentucky Statutes, and provided further, that the policy may be surrendered to the company at its home office within one month of date of default for a specified cash value at least equal to the sum which would otherwise be available for the purchase of insurance as aforesaid, and provided, further, that the company may defer payment for not more than three months after the application therefor is made. This provision shall not be required in term insurance of twenty years or less.

(b) A provision specifying the options to which the policyholder is entitled in the event of default in a premium payment after three full annual premiums shall have been paid. This provision shall not be required in term insurance of twenty years or less. A provision may also be inserted in the policy that in event of default in a premium payment before such options become available, the reserve on any dividend additions, then in force, may at the option of the company be paid in cash or applied as a net premium to the purchase of paid-up term insurance for any amount not in excess of the face of the original policy and any other provision favorable to the insured not in conflict with the provisions herein specified may be inserted.

(c) A table showing in figures the loan values and the options available under the policy each year after the third upon default in premium payments, during at least the first twenty years of the policy or during the premium paying period if less than twenty years, and where either the cash or loan value, the paid-up insurance or the extended insurance as specified in said tables equals or exceeds the amounts that

would be required under subsection A of this Act, then such values as specified in said table shall be binding both upon the company and the insured, subject only to such adjustments by reason of any outstanding indebtedness to the company on the policy as may be provided for in the policy, and in the event the insured should elect to avail himself of any said options as specified in said table or should one of these options become automatically effective in event of lapse and in accordance with the terms of the policy contract, then the granting of either value specified in said table shall be in full settlement and satisfaction of all claims under said policy.

Sub-division 3. From and after the passage of this act, no policy of life or endowment insurance upon the industrial plan shall be issued or delivered in this State or be issued by any domestic life insurance company, unless the same shall contain in substance the following provision:

(a) A provision that in event of default in premium payments, after premiums shall have been paid for five years, the insured shall be entitled to a stipulated form of insurance, the net value of which shall be at least equal to two-thirds of the reserve on the policy at date of default, from which any existing indebtedness to the company on or secured by the policy shall be deducted, provided, however, that the said reserve on the policy shall not be less than if computed in accordance with Section 653 of the Kentucky Statutes, and provided, further, that in computing paid-up or extended insurance under this sub-division the company may use single premiums based upon the standard industrial table of mortality with interest at not more than four per cent per annum, and provided, further, that on industrial policies defaulting and surrendered to the company on their fifth or any succeeding anniversary, application for a paid-up or extended policy shall be made in writing within eight weeks after the due date of the first defaulted premium on blanks obtainable from the company for that purpose.

Every such policy, subject to conditions as to paid-up and

extended surrender values, after the payment of five full years' premiums thereon shall have a cash surrender value which shall not be less than seventy per cent of the reserve that would be required for the aforesaid paid-up or extended insurance, after deducting for all indebtedness as above provided, provided, however, that application for such cash surrender value shall be made in writing within eight weeks after such default on blanks obtainable from the company for that purpose, and provided, further, that on policies of industrial insurance, where the weekly premiums are less than fifty cents each, it shall be optional with the company issuing said policy to pay either the cash surrender value or issue paid-up or extended insurance, and upon such payments, the company shall be absolutely released from all further claims or demands whatsoever under or by reason of said policies, which shall then be cancelled.

(b) The provisions of this section shall not apply to policies issued on the lives of persons under ten years of age until five years after attaining that age.

Sub-division 4. In constructing the provisions of this Act, ordinary insurance, or insurance upon the ordinary plan, shall be considered to be insurance which may be paid by a single premium, by annual premiums or by semi-annual or quarterly or other installments thereon at the option of the company, and industrial insurance shall be considered to be insurance purchaseable solely by weekly premiums.

Any condition or stipulation in the policy of insurance or elsewhere contrary to the provisions of this Section and any waiver of such provisions by the assured, shall be void.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill

in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Bennett	Frank J. Humbert	R. I. Rice
W. M. Boling	Lester Jeter	David I. Scott
J. F. Bosworth	Ira Jones	Lee L. Simons
John E. Brown	Wright Kelly	Ira D. Smith
W. R. Button	H. R. Lawrence	R. F. Stewart
Lee Clark	Oscar Leibson	Frank L. Strange
F. B. Cross	Martin Light	Geo. F. Thompson
Bryce Cundiff	Rufus Lisle	D. D. Thornberry
J. C. Day	C. C. May	John M. Tinsley
O. A. Denton	Harry J. Meyers	Garnett W. Tolin
A. W. Dorsey	Harry B. Miller	N. I. Toombs
G. Lucien Drury	Claude D. Minor	John L. Trumbo
George W. Ellis	B. A. Muster	Fred C. Vanhooose
Mrs. M. E. Flannery	E. E. Nelson	Geo. C. Waggoner
W. L. Gossett	Chas. A. Nelson	W. T. Walker
Ed. A. Gullion	Geo. W. Newman	W. S. Wallen
J. Edgar Hadden	C. C. Oney	W. D. Watkins
Thos. O. Holder	H. Walter Pierce	W. G. Wheeler
N. T. Hopkins	S. R. Powell	J. B. Wicker
David J. Howard	Arch M. Quarles	

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There voted in the negative—

C. D. McCaw

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Resolved that the title thereof be as aforesaid.

Mr. Simons moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules, the House

took up for consideration from the Orders of the Day, a bill entitled:

H. B. 460. An Act making Project No. 64 from Mt. Sterling via Sharpsburg and Flemingsburg to Maysville.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 5 of the Act of March 16, 1920, entitled, An Act relating to roads and bridges; creating the Department of State Roads and Highways, providing for officers to administer it and prescribing the powers and duties of such officers, establishing and designing a Primary System of State Highways and providing for their construction and maintenance and for other purposes designated in the title thereto be and the same is hereby amended by inserting therein after the words "Project No. 63, from Campbellsville to Bedford," the following:

Project No. 64—From Mount Sterling via Sharpsburg and Flemingsburg to Maysville.

So that said section as so amended shall read as follows, to-wit:

Section 5. A Primary System of State Highways is hereby established which will give to each county in the State at least one main thoroughfare and the roads thus established as a System of Primary Roads shall be as follows:

Project No. 1—From Wickliffe to Springfield, via Bardwell, Mayfield, Benton, Eggner's Ferry, Fenton, Cadiz, Gracy, Hopkinsville, Elkton, Russellville, Bowling Green, Glasgow, Edmonton, Greensburg, Campbellsville and Lebanon.

Project No. 2—From Henderson to Guthrie via Dixon, Madisonville, Nortonville and Hopkinsville.

Project No. 3—From Louisville to Adolphus, via Bardstown, Hodgenville, Buffalo, Hardyville, Glasgow and Scottsville.

Project No. 4—From Winchester to Whitesburg, via Stanton, Campton, Jackson, Dwarf and Hazard.

Project No. 5—From Covington to Kentucky-Tennessee State line, near Manring, Tennessee, via Erlanger, Florence, Richwood, Walton, Crittenden, Williamstown, Georgetown, Lexington, Richmond, Mt. Vernon, London, Corbin, Barbourville, Pineville and

Project No. 6—From Ashland to Pineville, via Catlettsburg, Louisa, Paintsville, Prestonburg, Pikeville, Whitesburg and Harlan.

Project No. 7—From Bardwell to Kentucky-Tennessee State line, at Fulton, via Clinton.

Project No. 8—From Louisville to Wickliffe, via West Point, Tiptop, Brandenburg, Hardinsburg, Hawesville, Owensboro, Henderson, Morganfield, Marion, Smithland and Paducah.

Project No. 9—From Paducah to Kentucky-Tennessee State line, via Mayfield and Murray.

Project No. 9½—From Paducah to Bardwell, via Love-laceville and Cunningham.

Project No. 10—From Owensboro to Smithland, via Calhoun, Central City, Greenville, Nortonville, Dawson Springs, Princeton, Eddyville, Kuttawa and from Princeton to Marion.

Project No. 11—From Owensboro to Tiptop, via Hartford, Pleasant Ridge, Morgantown, Bowling Green, Cave City, Bear Wallow, Munfordsville and Elizabethtown.

Project No. 12—From Owensboro to Elizabethtown, via Whitesville, Fordsville and Leitchfield.

Project No. 13—From Louisville to Florence, via Russell's Corner, Bedford, Milton, Carrollton and Warsaw.

Project No. 14—From Morgantown to Munfordsville, via Brownsville and Mammoth Cave.

Project No. 15—From Central City to Kentucky-Tennessee State line, at Geddes, via Cleaton, Bevier, Drakesboro, Lewisburg, Russellville and Franklin. To extend to Warren County line from Franklin, Simpson County, Ky.

Project No. 16—From Hardyville to Campbellsville, via Greensburg.

Project No. 17—From Louisville to Georgetown, via Shelbyville and Frankfort.

Project No. 18—From Louisville to Bardstown, via Taylorsville.

Project No. 19—From Russell's Corner to Williamstown, via La Grange, New Castle, Pleasureville, Bethlehem and Gratz to Owenton.

Project No. 20—From Shelbyville to Ashland, via Lawrenceburg, Versailles, Lexington, Paris, Millersburg, Blue Lick, Mayslick, Maysville, Ribolt, Vanceburg and Greenup.

Project No. 21—From Newport to Paris, via Alexandria, Falmouth and Cynthiana.

Project No. 21½—From Augusta to Newport, via Gertrude, Johnsville, then to some point on the pike leading from Foster and Lenoxburg, then with said pike to Lenoxburg to Caddo, to the most feasible point on Project No. 21.

Project No. 22—From Lawrenceburg to Kentucky-Tennessee State line at Isham, Tennessee, via Harrodsburg, Danville, Stanford, Somerset and Whitley City and Stephens Mill.

Project No. 23—From Nicholasville to Kentucky-Tennessee State line, near Huntersville, via Lancaster, Stanford, Hustonville, Liberty, Jamestown, Sewellton, Seventy-six and Albany.

Project No. 24—From Somerset to Columbia via Jamestown.

Project No. 25—From Campbellsville to Richmond, via Lebanon, Perryville, Danville and Lancaster.

Project No. 26—From Frankfort, via Versailles, Troy and Brooklyn Bridge to Harrodsburg.

Project No. 27—From Stanford to Albany, via Crab Orchard, Mt. Vernon, Somerset, Burnside and Monticello.

Project No. 28—From London to Greenup, via Manchester, Hyden, Hazard, Hindman, Lackey, Salyersville, West Liberty, Sandy Hook and Grayson.

Project No. 29—From Richmond to West Liberty, via Irvine, Beattyville and Jackson.

Project No. 30—From Richmond to Pineville, via McKee, Manchester and Red Bird.

Project No. 31—From Beattyville to Manchester, via Booneville.

Project No. 32—From Paris to West Liberty, via Mt. Sterling and Frenchburg.

Project No. 33—From Owingsville to Mayslick, via Flemingsburg.

Project No. 34—From Paintsville to Salyersville.

Project No. 35—From Corbin to Kentucky-Tennessee State line at Jellico, via Williamsburg.

Project No. 36—From Pikeville to West Virginia State line near Williamson.

Project No. 37—From Bowling Green to Willow Shade, via Scottsville and Tompkinsville.

Project No. 38—From Middlesboro to Cumberland Gap.

Project No. 39—From Pikeville to Louisa, via Inez.

Project No. 40—From Albany to Glasgow, via Burkesville, Willow Shade and Summer Shade.

Project No. 41—From Elizabethtown to Columbia, via Hodgenville and Greensburg.

Project No. 42—From Murray to Eggner's Ferry, near Fenton.

Project No. 43—From Vanceburg to Flemingsburg, via Petersville.

Project No. 44—From Taylorsville to Lawrenceburg, via Bloomfield.

Project No. 45—From Central City to Hartford, via Rockport and McHenry, and from Hartford, via Fordsville to Hardinburg.

Project No. 46—From Carrollton to West Point, via New Castle, Shelbyville, Taylorsville and Shepherdsville.

Project No. 47—From Bardstown to Ashland, via Springfield, Harrodsburg, South Elkhorn, Lexington, Winchester, Mt. Sterling, Owingsville, Morehead and Grayson.

Project No. 48—From Augusta to Blue Lick, via Brooksville and Mt. Olivet.

Project No. 49—From Georgetown to Warsaw, via Stamping Ground, Bethany, Owenton, Bromley, Poplar Grove and Glencoe.

Project No. 50—From Richmond to Paris, via Winchester.

Project No. 51—From Columbia to Kentucky-Tennessee State line, near Willow Grove, Tennessee, via Burkesville.

Project No. 52—From Scottsville to Franklin.

Project No. 53—From Cave City to Mammoth Cave.

Project No. 54—From Mayfield to the Kentucky-Tennessee State line near Reelfoot Lake, via Fulton and Hickman.

Project No. 55—From Dutch Fish Trap Bridge to Dawson Springs, via Anton, Madisonville, Earlington.

Project No. 56—From Harlan to Virginia State line, near Hubbard Springs, and from Poor Fork, via Benham and Lynch to Virginia State line, near Appalachia, Virginia.

Project No. 57—From Williamstown to Maysville, via Falmouth, Caddo and Brooksville.

Project No. 58—From Brownsville to Hardinsburg, via Leitchfield.

Project No. 58½—From Georgetown to Brooksville, via Cynthiana, Claysville, Milford.

Project No. 58¾—From Cynthiana to intersect the Mays-

ville and Lexington turnpike road at a point between Carlisle and Millersburg.

Project No. 59—From Carrollton to Sanford's Pond, via Worthville, Wheatly and New Liberty.

Project No. 59½—From Nicholasville, via Valley View to Richmond from La Grange to Shelbyville, via Chestnut Grove.

Project No. 60—From Frankfort to Owenton, via Bloomington, Swallowfield, mouth of Margadore, Cedar Creek, Monterey and Cedar Hill.

Project No. 61—From Carlisle to Sharpsburg to Owingsville.

Project No. 62—From Covington to Paris, via Independence, Nicholson, Fishburg and Falmouth.

Project No. 63—From Campbellsville to Bedford.

Project No. 64—From Mount Sterling, via Sharpsburg and Flemingsburg to Maysville.

All state and Federal moneys used in the construction and maintenance of roads in the state, except as otherwise provided in this act, shall be used in the construction and maintenance of the roads herein designated until the entire system is fully completed. The cost of construction of this entire system of state highways shall be borne entirely by the state, or by the state and Federal government where the roads are built in cooperation, and they shall be maintained entirely by the state, but nothing herein shall prevent any county, municipality, association, firm or individual from making a donation to the state in aid of the construction or maintenance of any of the said roads of the state, and the state shall have the right to accept any donation on the terms and conditions prescribed by the State Highway Commission. The construction and maintenance of this system of primary roads shall be under the direction, supervision and control of said commission and they shall do all things necessary in the construction of said roads as herein required.

Mr. Stewart offered the following Amendments, viz.:

1. "Amendment to H. B. 460. After the word "Paducah" in line 37 on page 3, insert the following, "Kevil, La Center and Barlow."

2. "Amendment to H. B. 360. After the word "via" in line 17, page 2, insert the word "Blandville."

Said Amendments were agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Samuel W. Adams	Arch. L. Hamilton	R. I. Rice
R. M. Amos	N. T. Hopkins	Arthur Saunders
C. W. Bennett	David J. Howard	Lee L. Simons
J. E. Bickett	H. R. Lawrence	Ira D. Smith
W. M. Boling	Leon P. Lewis	R. F. Stewart
W. R. Button	Martin Light	Frank L. Strange
Sam A. Cary	Rufus Lisle	H. Q. Thompson
Chas. Chandler	C. C. May	D. D. Thornberry
Lee Clark	Harry J. Meyers	John M. Tinsley
E. B. Cross	R. C. Moore	Garnett W. Tolin
Bryce Cundiff	S. H. Moore	N. I. Toombs
J. C. Day	C. D. McCaw	Fred C. Vanhooose
O. A. Denton	Chas. A. Nelson	Oscar Vest
A. W. Dorsey	Geo. W. Newman	Geo. C. Waggoner
G. Lucien Drury	D. A. O'Donovan	W. T. Walker
Mrs. M. E. Flannery	C. C. Oney	W. G. Wheeler
W. L. Gossett	H. Walter Pierce	J. B. Wicker
Ed. A. Gullion	S. R. Powell	T. C. Willis
J. Edgar Hadden	Arch M. Quarles	

Resolved that the title thereof be as aforesaid.

Mr. Simons moved that the vote by which said bill was passed be reconsidered and that motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 464. An Act to repeal the charter of Pittsburgh, a town of the sixth class, located in Laurel County, Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the charter of Pittsburgh, a town of the Sixth Class, situated in Laurel County, Kentucky, be and the same is hereby repealed and declared null and void.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Samuel W. Adams	W. R. Button	E. B. Cross
C. W. Bennett	Sam A. Cary	J. C. Day
J. F. Bosworth	Chas. Chandler	O. A. Denton

G. Givens Dixon	Leon P. Lewis	R. I. Rice
A. W. Dorsey	Martin Light	Arthur Saunders
W. D. Duncan	Rufus Lisle	Lee L. Simons
George W. Ellis	Claude D. Minor	Reuben E. Skaggs
Mrs. M. E. Flannery	R. C. Moore	George W. Smith
Dr. H. M. Fultz	S. H. Moore	R. F. Stewart
Ed. A. Gullion	B. A. Muster	Frank L. Strange
J. Edgar Hadden	C. D. McCaw .	Geo. F. Thompson
Arch L. Hamilton	E. E. Nelson	D. D. Thornberry
Thos. O. Holder	Chas. A. Nelson	John M. Tinsley
N. T. Hopkins	Geo. W. Newman	N. I. Toombs
David J. Howard	D. A. O'Donovan	Chas. B. Truesdell
Frank J. Humbert	C. C. Oney	Fred C. Vanhoose
R. O. Huntsman	James Park	Oscar Vest
Lester Jeter	Brodie Payne	Geo. C. Waggoner
Wright Kelly	H. Walter Pierce	W. T. Walker
H. R. Lawrence	S. R. Powell	W. S. Wallen

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Resolved that the title thereof be as aforesaid.

Mr. Simons moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 258. An Act to include singing in the curriculum of the Public Schools of the State of Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That singing be included in the curriculum of the public schools of the State for the opening and recreational exercises.

§ 2. That the minimum requirement shall include the State song, and two national airs.

§ 3. That singing be regarded as a subject in the public schools of the State for the purpose of instilling into the minds of youth patriotic feeling and a deeper love of their country.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

R. M. Amos	Oscar P. Harvey	Geo. W. Newman
C. W. Bennett	Thos. O. Holder	James Park
J. E. Bickett	N. T. Hopkins	Brodie Payne
W. M. Boling	David J. Howard	H. Walter Pierce
Thos. Bowman	Frank J. Humbert	Arch M. Quarles
W. R. Button	R. O. Huntsman	R. I. Rice
Sam A. Cary	Lester Jeter	Arthur Saunders
Chas. Chandler	Ira Jones	Lee L. Simons
E. B. Cross	Wright Kelly	Reuben E. Skaggs
Bryce Cundiff	Leon P. Lewis	George W. Smith
J. C. Day	Martin Light	Ira D. Smith
O. A. Denton	Rufus Lisle	R. F. Stewart
G. Givens Dixon	C. C. May	Frank L. Strange
A. W. Dorsey	Harry J. Meyers	Geo. F. Thompson
G. Lucien Drury	Harry B. Miller	D. D. Thornberry
George W. Ellis	Claude D. Minor	John M. Tinsley
Mrs. M. E. Flannery	S. H. Moore	Garnett W. Tolin
Dr. H. M. Fultz	B. A. Muster	N. I. Toombs
Ed. A. Gullion	C. D. McCaw	Chas. B. Truesdell
J. Edgar Hadden	E. E. Nelson	Fred C. Vanhooose
Arch L. Hamilton	Chas. A. Nelson	Oscar Vest

Geo. C. Waggoner	W. G. Wheeler	T. C. Willis	
W. T. Walker	J. B. Wicker		
W. S. Wallen	W. D. Watkins		—70

There voted in the negative—

C. C. Oney	—1
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Resolved that the title thereof be as aforesaid.

Mr. Simons moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 220. An Act to amend and re-enact sec. 5, chapter 17, of the Acts of the General Assembly, 1920, relating to the primary system of State Highways.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section five of Chapter seventeen of the Acts of the General Assembly of 1920 be and the same is hereby amended and re-enacted so that said Section when so amended and re-enacted shall read as follows:

A primary system of State highways is hereby established which will give to each county in the State at least one main thoroughfare and the roads thus established as a system of primary roads shall be as follows:

Project No. 1.—From Wickliffe to Springfield, via Bardwell, Mayfield, Benton, Eggner's Ferry, Fenton, Cadiz, Gracey, Hopkinsville, Elkton, Russellville, Bowling Green,

Glasgow, Edmonton, Greensburg, Campbellsville and Lebanon.

Project No. 2.—From Henderson to Guthrie, via Dixon, Madisonville, Nortonsville and Hopkinsville.

Project No. 3.—From Louisville to Adolphus, via Bardstown, Hodgenville, Buffalo, Hardyville, Glasgow and Scottsville.

Project No. 4.—From Winchester to Whitesburg, via Stanton, Campton, Jackson, Dwarf and Hazard.

Project No. 5.—From Covington to Kentucky-Tennessee State line near Manring, Tennessee via Erlanger, Florence, Richmond, Walton, Crittenden, Williamstown, Georgetown, Lexington, Richmond, Mt. Vernon, London, Corbin, Barbourville, Pineville and Middlesboro.

Project No. 6.—From Ashland to Pineville, via Catlettsburg, Louisa, Paintsville, Prestonburg, Pikeville, Whitesburg and Harlan.

Project No. 7.—From Bardwell to Kentucky-Tennessee State line at Fulton, via Clinton.

Project No. 8.—From Louisville to Wickliffe, via West Point, Tiptop, Brandenburg, Hardinsburg, Hawesville, Owensboro, Henderson, Morganfield, Marion, Smithland and Paducah.

Project No. 9.—From Paducah to Kentucky-Tennessee State line, via Mayfield and Murray.

Project No. 9½.—From Paducah to Bardwell, via Lovelaceville and Cunningham.

Project No. 10.—From Owensboro to Smithland, via Calhoun, Central City, Greenville, Nortonville, Dawson Springs, Princeton, Eddyville, Kuttawa, and from Princeton to Marion.

Project No. 11.—From Owensboro to Tiptop, via Hartford, Pleasant Ridge, Morgantown, Bowling Green, Cave City, Bear Wallow, Munfordsville and Elizabethtown.

Project No. 12.—From Owensboro to Elizabethtown, via Whitesville, Fordsville and Leitchfield.

Project No. 13.—From Louisville to Florence, via Russell's Corner, Bedford, Milton, Carrollton and Warsaw.

Project No. 14.—From Morgantown to Munfordsville, via Brooksville and Mammoth cave.

Project No. 15.—From Central City to Kentucky-Tennessee State line, at Geddes, via Cleaton, Bevier, Drakesboro, Lewisburg, Russellville and Franklin. To extend to Warren county line from Franklin, Simpson county, Kentucky.

Project No. 16.—From Hardyville to Campbellsville, via Greensburg.

Project No. 17.—From Louisville to Georgetown, via Shelbyville and Frankfort.

Project No. 18.—From Louisville to Bardstown, via Taylorsville.

Project No. 19.—From Russell's Corner to Williamstown, via LaGrange, New Castle, Pleasureville, Bethlehem and Gratz to Owenton.

Project No. 20.—From Shelbyville to Ashland, via Lawrenceburg, Versailles, Lexington, Paris, Millersburg, Blue Lick, Mayslick, Maysville, Ribolt, Vanceburg and Greenup.

Project No. 21.—From Newport to Paris, via Alexandria, Falmouth and Cynthiana.

Project No. 21½.—From Augusta to Newport, via Gertrude, Johnsville, then to some point on the pike leading from Foster to Lenoxburg, then with said pike to Lenoxburg, to Caddo, to the most feasible point on Project No. 21.

Project No. 22.—From Lawrenceburg to Kentucky-Tennessee State line at Isham, Tennessee, via Harrodsburg, Danville, Stanford, Somerset and Whitley City and Stephens Mill.

Project No. 23.—From Nicholasville to Kentucky-Tennessee State line, near Huntsville, via Lancaster, Stanford, Hustonville, Liberty, Jamestown, Sewellton, Seventy-six and Albany.

Project No. 24.—From Somerset to Columbia, via Jamestown.

Project No. 25.—From Campbellsville to Richmond, via Lebanon, Perryville, Danville and Lancaster.

Project No. 26.—From Frankfort, via Versailles, Troy and Brooklyn Bridge to Horrodsburg.

Project No. 27.—Stanford to Albany, via Crab Orchard, Mt. Vernon, Somerset, Burnside and Monticello.

Project No. 28.—From London to Greenup, via Manchester, Hyden, Hazard, Hindman, Lackey, Salyersville, West Liberty, Sandy Hook and Grayson.

Project No. 29.—From Richmond to West Liberty, via Irvine, Beattyville and Jackson.

Project No. 30.—From Richmond to Pineville, via McKee, Manchester and Red Bird.

Project No. 31.—From Beattyville to Manchester, via Booneville.

Project No. 32.—From Paris to West Liberty, via Mt. Sterling and Frenchburg.

Project No. 33.—From Owingsville to Mayslick, via Flemingsburg.

Project No. 34.—Paintsville to Salyersville.

Project No. 35.—From Corbin to Kentucky-Tennessee State line, at Jellico, via Williamsburg.

Project No. 36.—From Pikeville to West Virginia State line near Williamson.

Project No. 37.—From Bowling Green to Willow Shade, via Scottsville and Tompkinsville.

Project No. 38.—From Middlesboro to Cumberland Gap.

Project No. 39.—From Paintsville to West Virginia State line, opposite Kermit, West Virginia, via Inez and Warfield.

Project No. 40.—From Albany to Glasgow, via Burgesville, Willow Shade and Summer Shand.

Project No. 41.—From Elizabethtown to Columbia, via Hodgenville and Greensburg.

Project No. 42.—From Murray to Egger's Ferry, near Fenton.

Project No. 43.—From Vanceburg to Flemingsburg, via Petersville.

Project No. 44.—From Taylorsville to Lawrenceburg, via Bloomfield.

Project No. 45.—From Central City to Hartford, via Rockport and McHenry and from Hartford via Fordsville to Hardinsburg.

Project No. 46.—From Carrollton to West Point, via New Castle, Shelbyville, Taylorsville and Shepherdsville.

Project No. 47.—From Bardstown to Ashland, via Springfield, Harrodsburg, South Elkhorn, Lexington, Winchester, Mt. Sterling, Owingsville, Morehead and Grayson.

Project No. 48.—From Augusta to Blue Lick, via Brooksville and Mt. Olivet.

Project No. 49.—From Georgetown to Warsaw, via Stamping Ground, Bethany, Owenton, Bromley, Poplar Grove and Glencoe.

Project No. 50.—From Richmond to Paris, via Winchester.

Project No. 51.—From Columbia to Kentucky-Tennessee State line, near Willow Grove, via Burkesville.

Project No. 52.—From Scottsville to Franklin.

Project No. 53.—From Cave City to Mammoth Cave.

Project No. 54.—From Mayfield to Kentucky-Tennessee State line, near Reel Foot Lake, via Fulton and Hickman.

Project No. 55.—From Dutch Fish Trap Bridge to Dawson Springs, via Antom, Madisonville and Earlington.

Project No. 56.—From Harlan to Virginia State line, near Hubbard Springs, and from Poor Fork, via Benham and Lynch to Virginia State line near Appalachia, Virginia.

Project No. 57.—From Williamstown to Maysville, via Falmouth, Caddo and Brooksville.

Project No. 58.—From Brownsville to Hardinsburg, via Leitchfield.

Project No. 58½.—From Georgetown to Brooksville, via Cynthiana, Claysville and Milford.

Project No. 58 $\frac{3}{4}$.—From Cynthiana to intersect the Maysville and Lexington turnpike road at a point between Carlisle and Millersburg.

Project No. 59.—From Carrollton to Sanford's Pond, via Worthville, Wheatley and New Liberty.

Project No. 59 $\frac{1}{2}$.—From Nicholasville, via Valley View to Richmond; from LaGrange to Shelbyville, via Chestnut Grove.

Project No. —.—From Frankfort to Owenton via Bloomington, Swallowfield, Mouth of Margadore, Cedar Creek, Monterey and Cedar Hill.

Project No. —.—From Carlisle to Sharpsburg to Owingsville.

Project No. —.—From Covington to Paris, via Independence, Nicholson, Fiskburg and Falmouth.

Project No. —.—From Campbellsville to Bedford.

All State and Federal moneys used in construction and maintenance of roads in the State, except as otherwise provided in this act, shall be used in the construction and maintenance of the roads herein designated until the entire system is fully completed. The cost of construction of this entire system of State Highways shall be borne entirely by the State or by the State and Federal Government, where the roads are built in co-operation, and they shall be maintained entirely by the State, but nothing herein shall prevent any county, municipality, association, firm or individual from making a donation to the State in aid of the construction or maintenance of any of said roads of the State, and the State shall have the right to accept any donation on the terms and conditions prescribed by the State Highway Commission. The construction and maintenance of this system of primary roads shall be under the direction, supervision and control of said Commission and they shall do all things necessary in the construction of said roads as herein required.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

R. M. Amos	N. T. Hopkins	James Park
C. W. Bennett	David J. Howard	H. Walter Pierce
W. M. Boling	Frank J. Humbert	R. I. Rice
J. F. Bosworth	R. O. Huntsman	Arthur Saunders
W. R. Button	Lester Jeter	Lee L. Simons
Sam A. Cary	Ira Jones	Ira D. Smith
Chas. Chandler	Wright Kelly	Frank L. Strange
Lee Clark	H. R. Lawrence	H. Q. Thompson
Bryce Cundiff	Leon P. Lewis	John M. Tinsley
J. C. Day	Martin Light	Garnett W. Tolin
O. A. Denton	Rufus Lisle	N. I. Toombs
A. W. Dorsey	Harry J. Meyers	Chas. B. Truesdell
G. Lucien Drury	Harry B. Miller	Fred C. Vanhoose
George W. Ellis	Claude D. Minor	Geo. C. Waggoner
Mrs. M. E. Flannery	R. C. Moore	W. T. Walker
Dr. H. M. Fultz	S. H. Moore	W. S. Wallen
Ed. A. Gullion	E. E. Nelson	W. D. Watkins
J. Edgar Hadden	Chas. A. Nelson	W. G. Wheeler
Arch L. Hamilton	Geo. W. Newman	J. B. Wicker
Oscar P. Harvey	D. A. O'Donovan	
Thos. O. Holder	C. C. Oney	

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Resolved that the title thereof be as aforesaid.

Mr. Simons moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House

took up for consideration from the Orders of the Day a bill entitled:

H. B. 476. An Act amending chapter 17, Acts 1920, relating to roads, etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Chapter 17 of the Acts of the General Assembly of the Commonwealth of Kentucky, 1920, be amended by adding to, and inserting just after the last named Project No. —, on Page 92 thereof, the following:

“Project No. —, from New Castle, Henry County, via Sulphur to Bedford, Trimble County, Kentucky.”

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

R. M. Amos	E. B. Cross	Dr. H. M. Fultz
W. M. Boling	Bryce Cundiff	Ed. A. Gullion
J. F. Bosworth	J. C. Day	J. Edgar Hadden
Thos. Bowman	O. A. Denton	Arch L. Hamilton
W. R. Button	A. W. Dorsey	Thos. O. Holder
Sam A. Cary	G. Lucien Drury	N. T. Hopkins
Chas. Chandler	George W. Ellis	David J. Howard
Lee Clark	Mrs. M. E. Flannery	Frank J. Humbert

Lester Jeter	Geo. W. Newman	Geo. F. Thompson
Ira Jones	D. A. O'Donovan	H. Q. Thompson
Wright Kelly	C. C. Oney	John M. Tinsley
H. R. Lawrence	James Park	N. I. Toombs
Leon P. Lewis	H. Walter Pierce	Chas. B. Truesdell
Martin Light	S. R. Powell	Fred C. Vanhoose
Rufus Lisle	Arch M. Quarles	Oscar Vest
C. C. May	R. I. Rice	Geo. C. Waggoner
Harry J. Meyers	Arthur Saunders	W. T. Walker
Harry B. Miller	Lee L. Simons	W. S. Wallen
Claude D. Minor	Reuben E. Skaggs	W. D. Watkins
R. C. Moore	Ira D. Smith	J. B. Wicker
S. H. Moore	R. F. Stewart	T. C. Willis
B. A. Muster	Frank L. Strange	

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Resolved that the title thereof be as aforesaid.

Mr. Simons moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 423. An Act relating to public roads and highways.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) That there be and now is established as one of the primary road projects of the Commonwealth of Kentucky, the following, to-wit:

“From Stanton to Clay City via the old Forge Mill Ford to Irvine.”

(2) The above project or any part of the primary sys-

tem of highways in this Commonwealth shall be known as Project 4 of the primary system of highways in the Commonwealth adopted and established by and in Chapter 17 of the Acts of the General Assembly of 1920, and shall receive and be entitled to all the benefits allowed and provided for in said Chapter 17 of the Acts of the General Assembly of 1920.

(3) All acts and parts of acts in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

R. M. Amos	Dr. H. M. Fultz	C. C. Oney
C. W. Bennett	Ed. A. Gullion	James Park
W. M. Boling	Arch L. Hamilton	S. R. Powell
Thos. Bowman	Oscar P. Harvey	Arch M. Quarles
W. R. Button	N. T. Hopkins	Arthur Saunders
Sam A. Cary	David J. Howard	Lee L. Simons
Chas. Chandler	Lester Jeter	Ira D. Smith
Lee Clark	Wright Kelly	R. F. Stewart
E. B. Cross	H. R. Lawrence	Frank L. Strange
Bryce Cundiff	Leon P. Lewis	Geo. F. Thompson
J. C. Day	Martin Light	H. Q. Thornberry
O. A. Denton	Rufus Lisle	D. D. Thornberry
G. Givens Dixon	Harry J. Meyers	John M. Tinsley
A. W. Dorsey	Harry B. Miller	Garnett W. Tolin
G. Lucien Drury	Claude D. Minor	N. I. Toombs
George W. Ellis	E. E. Nelson	Chas. B. Truesdell
Mrs. M. E. Flannery	D. A. O'Donovan	Fred C. Vanhooose

Geo. C. Waggoner	W. D. Watkins	T. C. Willis
W. T. Walker	W. G. Wheeler	
W. S. Wallen	J. B. Wicker	

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Resolved that the title thereof be as aforesaid.

Mr. Simons moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 465. An Act to repeal the charter of East Bernstadt, a town of the sixth class, located in Laurel County, Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the charter of East Bernstadt, a town of the Sixth Class, situated in Laurel County, Kentucky, be and the same is hereby repealed and declared null and void.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

R. M. Amos	Frank J. Humbert	R. I. Rice
C. W. Bennett	R. O. Huntsman	Arthur Saunders
J. E. Bickett	Lester Jeter	Lee L. Simons
W. M. Boling	Ira Jones	Reuben E. Skaggs
Thos. Bowman	Wright Kelly	Ira D. Smith
W. R. Button	H. R. Lawrence	R. F. Stewart
Sam A. Cary	Leon P. Lewis	Frank L. Strange
Chas. Chandler	Martin Light	John M. Tinsley
Lee Clark	Rufus Lisle	Garnett W. Tolin
E. B. Cross	Harry J. Meyers	N. I. Toombs
O. A. Denton	Harry B. Miller	Chas. B. Truesdell
G. Givens Dixon	Claude D. Minor	Fred C. Vanhoose
A. W. Dorsey	S. H. Moore	Oscar Vest
G. Lucien Drury	Ed. P. Murrah	Geo. C. Waggoner
W. D. Duncan	E. E. Nelson	W. T. Walker
George W. Ellis	Chas. A. Nelson	W. D. Watkins
Mrs. M. E. Flannery	Geo. W. Newman	W. G. Wheeler
Arch L. Hamilton	D. A. O'Donovan	J. B. Wicker
Oscar P. Harvey	James Park	T. C. Willis
N. T. Hopkins	S. R. Powell	
David J. Howard	Arch M. Quarles	

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Resolved that the title thereof be as aforesaid.

Mr. Simons moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 459. An Act relating to roads and bridges, and amending chapter 17 of the Acts of the General Assembly of Kentucky of 1920, by adding thereto, as project No. 100b, extending from Ashbysburgh Ferry on Green River via On-

ton, Sebree, Dixon, Clay, Blackford to bridge across Tradewater river near Blackford, Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Chapter 17 of the Acts of the General Assembly of Kentucky of 1920 Session, be amended by adding to and inserting just after the last named project No. — on page 92 thereof, the following:

Project No. 100b from Ashbysburgh Ferry on Green River, in Webster County, Kentucky, to bridge across Tradewater River near Blackford, in Webster County, Kentucky, via Onton, via Sebree, via Dixon, via Clay, via Blackford, to said bridge across Tradewater River.

§ 2. Said road thus established is to have all the rights and benefits accorded to any other road established by the Acts of 1920, of the General Assembly of Kentucky, insofar as State and Federal aid in construction and maintenance may be authorized.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

R. M. Amos
C. W. Bennett
Thos. Bowman

W. R. Button
Sam A. Cary
Chas. Chandler

Lee Clark
J. C. Day
O. A. Denton

G. Givens Dixon	Rufus Lisle	R. F. Stewart
A. W. Dorsey	C. C. May	Frank L. Strange
G. Lucien Drury	Harry J. Meyers	Geo. F. Thompson
George W. Ellis	Harry B. Miller	John M. Tinsley
Mrs. M. E. Flannery	Claude D. Minor	Garnett W. Tolin
Dr. H. M. Fultz	S. H. Moore	N. I. Toombs
J. Edgar Hadden	E. E. Nelson	Chas. B. Truesdell
Arch L. Hamilton	Chas. A. Nelson	Fred C. Vanhooose
Oscar P. Harvey	Geo. W. Newman	Oscar Vest
N. T. Hopkins	D. A. O'Donovan	Geo. C. Waggoner
David J. Howard	H. Walter Pierce	W. T. Walker
R. O. Huntsman	S. R. Powell	W. S. Wallen
Lester Jeter	R. I. Rice	W. D. Watkins
Ira Jones	Arthur Saunders	W. G. Wheeler
Wright Kelly	Lee L. Simons	J. B. Wicker
H. R. Lawrence	Reuben E. Skaggs	T. C. Willis
Leon P. Lewis	George W. Smith	
Martin Light	Ira D. Smith	

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Resolved that the title thereof be as aforesaid.

Mr. Simons moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 461. An Act establishing a road to run from Newcastle, in Henry County, by way of North Pleasureville, Elmburg and Jacksonville to Frankfort, as a State primary road and designating said road as project No. 19A.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established as a part of the

Primary System of State Highways of the Commonwealth of Kentucky, a road to lead from Newcastle, in Henry County, Kentucky, through North Pleasureville, Elmburg and Jacksonville to Frankfort, in Franklin County. The construction, maintenance, supervision and control of said road shall be subject to all the terms and conditions set out and provided for in Chapter 17, of the Acts of 1920, establishing and creating a Primary System of State Highways.

§ 2. Said road shall be designated and known as Project No. 19A.

Mr. Gullion offered the following Amendment to said bill, viz.:

Amend H. B. 461 by striking out the first gramatical paragraph of Sec. 1, and inserting in lieu thereof the following:

Section 1. That there is hereby established as a part of the primary system of State Highways of the Commonwealth of Kentucky a project to lead from Newcastle, in Henry County, to Frankfort, in Franklin County, by the following route, to-wit: Newcastle to North Pleasureville to Defoe to Pleasant View to Bailey's Mill to Bald Knob, thence to Frankfort.

Said Amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Samuel W. Adams	Oscar P. Harvey	S. R. Powell
R. M. Amos	Thos. O. Holder	Arch M. Quarles
C. W. Bennett	N. T. Hopkins	R. I. Rice
J. E. Bickett	David J. Howard	Arthur Saunders
W. M. Boling	Frank J. Humbert	Lee L. Simons
J. F. Bosworth	Ira Jones	George W. Smith
Berl Boyd	Wright Kelly	Ira D. Smith
Sam A. Cary	H. R. Lawrence	R. F. Stewart
Chas. Chandler	Leon P. Lewis	Geo. F. Thompson
Lee Clark	Martin Light	D. D. Thornberry
E. B. Cross	Rufus Lisle	John M. Tinsley
J. C. Day	Harry J. Meyers	Garnett W. Tolin
O. A. Denton	Harry B. Miller	N. I. Toombs
G. Givens Dixon	Claude D. Minor	John L. Trumbo
A. W. Dorsey	R. C. Moore	Fred C. Vanhooose
G. Lucien Drury	S. H. Moore	Geo. C. Waggoner
W. D. Duncan	Ed. P. Murrah	W. T. Walker
George W. Ellis	E. E. Nelson	W. S. Wallen
Dr. H. M. Fultz	Geo. W. Newman	W. G. Wheeler
Ed. A. Gullion	C. C. Oney	J. B. Wicker
J. Edgar Hadden	James Park	T. C. Willis
Arch L. Hamilton	H. Walter Pierce	

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Mr. Gullion offered the following Amendment to title of said bill, viz.:

Amend the title by which H. B. 461 was passed, to read as follows:

An Act establishing a primary project of State highways in Kentucky from New Castle to Frankfort, by way of North Pleasureville, Defoe, Pleasant View, Bailey's Mill and Bald Knob, the same to be designated as project No. 19a.

Said Amendment was agreed to.

Resolved that the title thereof be as follows, viz.:

(See Amended title above.)

Mr. Simons moved that the vote by which said bill was passed be reconsidered and that motion lie on the table.

Said last named motion was agreed to.

Mr. Simons of the Committee on Rules reported the following bill with the expression of opinion that it ought to pass, viz.:

S. B. 280. An Act to provide for a progressive tax on direct and collateral inheritances; and to amend Sec. 4281a of Carroll's Kentucky Statutes, 1915, as amended by an Act entitled: "An Act providing for a progressive tax on direct and collateral inheritances," being chapter 26 of the Acts of the General Assembly of 1916; and to provide for the distribution of the income from the tax so provided.

Said bill was read at length the first time and ordered to be placed on the Calendar.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 384. An Act to amend and re-enact Sec. 1199, Kentucky Statutes, Carroll's Edition of 1915, providing punishment for receiving stolen goods.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 1199, Kentucky Statutes, Carroll's

Edition of 1915, be, and the same is hereby, amended, by adding, at the close thereof, the following words:

“The possession of any stolen goods shall be *prima facie* evidence of the guilt, under this section, of any person or persons having such possession.”

And said section, as thus amended, is now re-enacted so as to read as follows:

“Section 1199. Receiving Stolen Goods. Whoever shall receive any stolen goods, chattels or other thing, the stealing whereof is punished as a felony or misdemeanor, knowing the same to be stolen, shall be liable to the same punishment to which the person stealing the same is, by law, subjected. Such offenders may be convicted, though the principal offender has not been convicted. The possession of any stolen goods shall be *prima facie* evidence of the guilt, under this section, of any person or persons having such possession.”

§ 2. That all laws, and parts of laws, inconsistent, or in conflict, herewith, are hereby repealed.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Samuel W. Adams	Berl Boyd	J. C. Day
R. M. Amos	W. R. Button	O. A. Denton
C. W. Bennett	Sam A. Cary	A. W. Dorsey
J. E. Bickett	Lee Clark	G. Lucien Drury
W. M. Boling	F. B. Cross	W. D. Duncan
J. F. Bosworth	Bryce Cundiff	Mrs. M. E. Flannery

Arch L. Hamilton	Chas. A. Nelson	Geo. F. Thompson
Oscar P. Harvey	Geo. W. Newman	H. Q. Thompson
N. T. Hopkins	C. C. Oney	D. D. Thornberry
David J. Howard	James Park	John M. Tinsley
Frank J. Humbert	H. Walter Pierce	N. I. Toombs
R. O. Huntsman	S. R. Powell	Chas. B. Truesdell
Wright Kelly	Arch M. Quarles	Fred C. Vanhooose
H. R. Lawrence	R. I. Rice	Oscar Vest
Martin Light	Arthur Saunders	Geo. C. Waggoner
Rufus Lisle	Lee L. Simons	W. T. Walker
C. D. McCaw	Reuben E. Skaggs	W. D. Watkins
Harry J. Meyers	Ira D. Smith	J. B. Wicker
Ed. P. Murrah	R. F. Stewart	T. C. Willis
B. A. Muster	Frank L. Strange	

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Resolved that the title thereof be as aforesaid.

Mr. Simons moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 463. An Act relating to stock running at large and prosecutions thereunder.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

In any prosecution, for a violation of any provision of the Act approved May sixteenth, one thousand eight hundred and ninety-three, entitled, "An Act whereby the sense of the people of any county, or of any magisterial or voting district may be taken as to whether cattle or any species thereof, shall

be permitted to run at large in such county, justices' or voting district," or for a violation of any Act amendatory thereof, it shall not be necessary to allege that a vote was taken, or an election held, or any other step relative thereto; but it may be simply stated in the indictment, warrant or information that the act or acts charged were committed in a territory where the said Act was in force; and in said indictment, warrant or information it shall be sufficient to designate said Act as the law regulating stock running at large.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Samuel W. Adams	Oscar P. Harvey	Geo. W. Newman
J. E. Bickett	Thos. O. Holder	C. C. Oney
W. M. Boling	N. T. Hopkins	James Park
Thos. Bowman	David J. Howard	Brodie Payne
Berl Boyd	Frank J. Humbert	H. Walter Pierce
W. R. Button	R. O. Huntsman	S. R. Powell
Sam A. Cary	Lester Jeter	Arch M. Quarles
Lee Clark	H. R. Lawrence	R. I. Rice
E. B. Cross	Rufus Lisle	Arthur Saunders
Bryce Cundiff	Harry J. Meyers	Lee L. Simons
O. A. Denton	Claude D. Minor	Reuben E. Skaggs
A. W. Dorsey	R. C. Moore	George W. Smith
George W. Ellis	S. H. Moore	Ira D. Smith
W. L. Gossett	B. A. Muster	R. F. Stewart
Ed. A. Gullion	C. D. McCaw	Frank L. Strange
J. Edgar Hadden	E. E. Nelson	Geo. F. Thompson
Arch L. Hamilton	Chas. A. Nelson	H. Q. Thompson

D. D. Thornberry	Fred C. Vanhooose	W. D. Watkins
John M. Tinsley	Geo. C. Waggoner	W. G. Wheeler
N. I. Toombs	W. T. Walker	J. B. Wicker
Chas. B. Truesdell	W. S. Wallen	T. C. Willis

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Resolved that the title thereof be as aforesaid.

Mr. Simons moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 315. An Act to amend and re-enact sub-sec. 3 and sub-sec. 15 of Sec. 331A, Kentucky Statutes (Carroll's 1915 Edition), same being subsections 3 and 15 respectively of an Act entitled: "An Act to regulate the Labor and Employment of Children and Minors, and to make the provisions thereof effective," approved by the Governor, March 21, 1914, by providing that the employment certificates required by sub-sec. 3 be issued in duplicate, and that the duplicates be forwarded to the State Labor Inspector, and by requiring boys between the ages of fourteen and sixteen years engaged in the sale or distribution of newspapers to have badges, as provided for in subsec. 15 regulating their employment. Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That subsection three of Section three hundred and thirty-one A, Kentucky Statutes, Carroll's one thousand nine hundred and fifteen edition, the same being subsection three of an act entitled, "An Act to regulate the labor and employ-

ment of children and minors and to make the provisions thereof effective," be amended by adding thereto at the end thereof the following provision:

"Said certificates shall be issued in duplicate and the duplicate copy of each certificate shall be forwarded by the issuing officer to the office of the State Child Labor Inspector not later than the tenth day of the next succeeding month."

So that subsection three of Section three hundred and thirty-one A as so amended be re-enacted to read in full as follows:

"3. Employment certificates shall be issued only by the superintendent of schools or by a person authorized by him in writing, acting in his name. Where there is no local superintendent of schools they shall be issued by the county superintendent of schools, or by a person so authorized by him. Said certificates shall be issued in duplicate and the duplicate copy of each certificate shall be forwarded by the issuing officer to the office of the State Child Labor Inspector, not later than the tenth day of the next succeeding month."

§ 2. That subsection fifteen of Section three hundred and thirty-one A, Kentucky Statutes, Carroll's one thousand nine hundred and fifteen edition, the same being subsection fifteen of an act entitled, "An Act to regulate the labor and employment of children and minors and to make the provisions thereof effective," approved by the Governor, March twenty-first, one thousand nine hundred and fourteen, be amended by inserting the word "newspapers," followed by a comma, in the tenth line of said subsection, immediately preceding the word "magazines," so that subsection fifteen of Section three hundred and thirty-one A as so amended be re-enacted to read in full as follows:

"No boy under fourteen years of age, nor girl under eighteen years of age shall be employed, permitted or suffered to work at any time in any city of the first, second or third class in or in connection with the street occupations of

peddling, boot-blackening, the distribution or sale of newspapers, magazines, periodicals, or circulars, nor in any other occupation pursued in any street or public place. No boy between fourteen and sixteen years of age shall be employed, permitted or suffered to work in any city or the first, second or third class in or in connection with the street occupations of peddling, boot-blackening, the distribution or sale of newspapers, magazines, periodicals or circulars, nor in any other occupation pursued in any street or public place except upon the following conditions:

“(A) Boys between fourteen and sixteen years of age shall, upon application to the school authorities, as in the case of an employment certificate, and upon compliance with all of the requirements for the issuance of an employment certificate, be entitled to receive from the officer authorized to issue employment certificates a badge, which shall authorize the recipient to engage in the trades or occupations above mentioned between the hours of six o'clock a. m. and eight p. m. of each day, but at no other time. Such badge shall be displayed conspicuously by the recipient while so engaged and shall be renewed annually on the first day of January. The color of all such badges issued in the same calendar year shall be the same and said color shall be changed each year upon renewal.

“(B) Boys between fourteen and sixteen years of age who comply with all of the requirements for the issuance of an employment certificate except the educational requirement (that is, the filing of a school record or the passing of an examination in lieu thereof) shall be entitled to receive from the officer authorized to issue employment certificates a badge which shall authorize the recipient to engage in the above mentioned trades or occupations at such time or times between six a. m. and eight p. m. in each day as the public schools of the city or district where such boy resides are not in session, but at no other time. All such badges issued in the same calendar year shall be of the same color; but in

either form, design or color shall be so different from the badges issued to boys who comply with the educational requirements above mentioned as to be readily distinguishable therefrom. Such badges shall be renewed annually upon the first of January, and their color shall be changed each year upon renewal.

“Any child who shall engage in any such street occupation in violation of any of the provisions of this section shall be deemed delinquent, and shall be brought before any court or magistrate having jurisdiction over juvenile delinquents, and shall be dealt with according to law. The labor inspectors, truant officers, police officers and juvenile court probation officers shall enforce the provisions of this section. Whoever furnishes or sells to any minor any article of any description with the knowledge that said minor intends to sell said article in violation of the provisions of this section, or who shall continue to furnish or sell articles of any description to a minor after having received written notice from any officer charged with the enforcement of this section, or from the officer issuing the badge required as aforesaid, that said minor is unlicensed to sell such article, shall be punished by a fine of not less than fifteen dollars nor more than one hundred dollars for each offense.”

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

F. B. Cross	Mrs. M. E. Flannery	Thos. O. Holder
Bryce Cundiff	Ed. A. Gullion	N. T. Hopkins
A. W. Dorsey	Arch L. Hamilton	David J. Howard

Lester Jeter	Geo. W. Newman	Fred C. Vanhooose
Rufus Lisle	C. C. Oney	Geo. C. Waggoner
C. C. May	James Park	W. T. Walker
Claude D. Minor	H. Walter Pierce	W. D. Watkins
S. H. Moore	Lee L. Simons	
C. D. McCaw	Chas. B. Truesdell	

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Those who voted in the negative were—

Samuel W. Adams	J. Edgar Hadden	Reuben E. Skaggs
R. M. Amos	Oscar P. Harvey	George W. Smith
C. W. Bennett	Frank J. Humbert	R. F. Stewart
J. E. Bickett	R. O. Huntsman	Frank L. Strange
J. F. Bosworth	Ira Jones	Geo. F. Thompson
Thos. Bowman	Wright Kelly	H. Q. Thompson
Berl Boyd	H. R. Lawrence	D. D. Thornberry
Chas. Chandler	Martin Light	John M. Tinsley
Lee Clark	Ed. P. Murrah	N. I. Toombs
O. A. Denton	B. A. Muster	W. S. Wallen
H. C. Duff	F. E. Nelson	J. B. Wicker
George W. Ellis	Brodie Payne	T. C. Willis
W. L. Gossett	S. R. Powell	

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Resolved that the title thereof be as aforesaid.

Mr. Simmons moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 435. An Act to repeal and re-enact Sec. 4239a, chapter 108, Kentucky Statutes, enacted March 19, 1912, relating to the duties of Clerks, sheriffs and other officers under the revenue and taxation laws, and to direct the manner of making up tax books.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Section 4239a of Chapter 108, of the Kentucky Statutes, Carroll's Edition, 1915, be and the same is hereby repealed and in lieu thereof said section be re-enacted to read as follows:

The county clerk shall annually, from the loose leaf tax lists furnished him by the Auditor, make out for the use of the sheriff or collector a book or books of tax lists and stubs. Said book or books shall contain a list or stub for each taxpayer in the county who has been listed by the assessor of board of supervisors of tax for the county, or by the county court clerk, or whose tithes and taxable property has been supervised by the board of supervisors of tax for the county and equalized by the State Board of Equalization of taxes. Each list or stub shall show the rate of taxes upon each one hundred dollars, worth of takable property for the state, county and school purposes; the name of the taxpayer; the number of acres of farm land, if any, and value; the number of lots, if any, and value; notes and money, if any; value of mixed and personal property, if any; county poll, if any; county school poll, if any; county school tax, if any; exemptions, if any. The county clerk shall, upon the delivery of said book of tax lists to the sheriff or collector certify that same contains a true and correct list of all the titles and taxable property of the county, supervised by the board of supervisors of tax for the county and equalized by the State Board of Equalization of taxes as certified to him by the auditor of the state. The tax lists and stubs when thus made out by the clerk, shall be delivered to the sheriff or collector by the county court clerk in a book form and consecutively numbered, the number of each stub being the same as the tax bill to which it is attached, and arranged alphabetically by the cities and magisterial districts, within thirty days after the

Auditor of Public Accounts has certified the tax rate of the state and the value fixed by the State Board of Valuation upon the property of the county for tax purposes, and shall take a receipt from the sheriff showing the number of tax lists, which receipt shall be signed and acknowledged by the sheriff or collector before the county court clerk, and filed before the county court and recorded in the order book of the county court in the same way and manner as now required by law in recording the official bond of the sheriff. From the tax lists thus made out and delivered to the sheriff by the county clerk, "the sheriff" shall compute, calculate and ascertain the amount of taxes due from each taxpayer for the state, county, county school fund and other levies, and the amount thus calculated or computed shall be placed by the sheriff on said tax list and the tax list herein provided for shall be delivered to the taxpayer by the sheriff when said taxpayer has paid his taxes in full. For his services in making out said books, the clerk shall be allowed seven cents for each list or bill, made out by him and delivered to the sheriff or tax collector, one-half thereof to be paid by the state and one-half out of the county levy, his claim therefor be allowed by the county court and certified to the Auditor of Public Accounts, who shall draw his warrant on the treasurer for the state's one-half of such fee.

Mr. Light offered the following amendment, viz.:

Amend H. B. 435 by adding Sec. 2, which shall read as follows, viz.:

Section 2. The provisions of this Act shall not apply to the Sheriffs and County Clerks now in office.

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Samuel W. Adams	Frank J. Humbert	Lee L. Simons
C. W. Bennett	R. O. Huntsman	George W. Smith
W. M. Boling	Wright Kelly	Ira D. Smith
J. F. Bosworth	Martin Light	Geo. F. Thompson
Thos. Bowman	Rufus Lisle	H. Q. Thompson
W. R. Button	C. C. May	D. D. Thornberry
Sam A. Cary	Harry J. Meyers	Chas. B. Truesdell
Bryce Cundiff	Harry B. Miller	Fred C. Vanhooose
G. Lucien Drury	Ed. P. Murrah	Oscar Vest
Mrs. M. E. Flannery	B. A. Muster	Geo. C. Waggoner
W. L. Gossett	Geo. W. Newman	W. T. Walker
Arch L. Hamilton	D. A. O'Donovan	W. D. Watkins
Thos. O. Holder	C. C. Oney	
David J. Howard	James Park	

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Those who voted in the negative were—

R. M. Amos	Oscar P. Harvey	Arthur Saunders
J. E. Bickett	N. T. Hopkins	Reuben E. Skaggs
Berl Boyd	Ira Jones	R. F. Stewart
Lee Clark	H. R. Lawrence	Frank L. Strange
J. C. Day	R. C. Moore	John M. Tinsley
O. A. Denton	C. D. McCaw	N. I. Toombs
G. Givens Dixon	Chas. A. Nelson	W. S. Wallen
H. C. Duffy	Brodie Payne	W. G. Wheeler
George W. Ellis	H. Walter Pierce	J. B. Wicker
Dr. H. M. Fultz	S. R. Powell	T. C. Willis
Ed. A. Gullion	Arch M. Quarles	
J. Edgar Hadden	R. I. Rice	

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Resolved that the title thereof be as aforesaid.

Mr. Hamilton moved that the vote by which said bill was passed be reconsidered and that motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had passed bills of the following titles, viz.:

S. B. 193. An Act to promote the production of better eggs in Kentucky by regulating the traffic in eggs to prevent fraud and misrepresentation in dealing in eggs, to prevent the sale of eggs unfit for human food, and to fix penalties for violation of the provisions thereof.

S. B. 171. An Act amending and re-enacting Sec. 3014, Kentucky Statutes, being sec. 228 of the Act approved July 1, 1893, entitled: "An Act for the Government of cities of the first class," and vesting in the police courts of such cities the power and authority to suspend, or revoke, or to forbid or to provide the conditions of re-issuance, of licenses issued by or under authority of such cities to motor vehicle drivers, chauffeurs, and owners, and to the owners, proprietors, and operators of soft drink establishments.

S. B. 285. An Act amending chapter 17, Acts 1920, relating to roads, etc.

S. B. 76. An Act defining and regulating the business of dry cleaning and dyeing in cities of the first class and providing for the construction, maintenance and inspection by the State Fire Marshall of dry cleaning and dyeing building and establishments, and providing ways and means for enforcing this Act, and penalties for the violation thereof.

S. B. 221. An Act to repeal, amend and re-enact Sec. 3637, Kentucky Statutes.

S. B. 354. An Act to amend Sec. 1893b-1 of the General Statutes of Kentucky with reference to the lawful manner or taking fish from public waters of the State.

S. B. 269. An Act establishing a road to run from Garfield, Breckinridge County, Kentucky, via Custer and Dyer to Cecelia, Hardin County, Kentucky, as a State primary road, and designating said project as project No. —.

S. B. 282. An Act relating to roads and bridges, amending chapter 17, Acts of the General Assembly of the Commonwealth of Kentucky, 1920.

Ordered that said bills be printed and referred to Committee on Rules.

That they had passed a Resolution which originated in this House entitled:

H. Res. 21. Resolution providing for furnishing Kentucky Directories.

Ordered that said Resolution be delivered to the Enrolling Clerk.

Mr. Dorsey of the Committee on Enrollment reported that they had examined and found correctly enrolled a bill and resolution of the following titles, viz.:

H. B. 383. An Act to amend subsec. 3 of Sec. 331e, Kentucky Statutes, Carroll's 1915 Edition.

S. Res. 27. Resolution authorizing Theodore Blakey and Clayton B. Blakey to sue the Commonwealth of Kentucky.

Thereupon all other business was suspended, said bill

and resolution were read at length and compared in open session and thereupon the Speaker in the presence of the House and in open session affixed his signature thereto.

Ordered that said Resolution be delivered to the Senate.

Ordered that the Enrolling Clerk deliver said bill to the Senate.

After a time the Enrolling Clerk delivered the original and enrolled copy of said bill duly signed by the President of the Senate into the possession of the Chief Clerk of the House.

Ordered that the Chief Clerk deliver said bill to the Governor.

After a time the Clerk reported that he had discharged that duty.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 245. An Act to amend and to re-enact Sec. 4364 of the Kentucky Statutes, Carroll's Edition, 1918, relating to a common school and fixing the length of term.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

No school shall be deemed a "common school" within the meaning of this chapter, or be entitled to any contribution out of the school fund unless the same has been, pursuant hereto, actually kept, or is under contract to be kept, by a qualified teacher for seven or more successive months in all

sub-districts, during the same school year, and at which every child residing in the district, between the ages of six and eighteen years, has had the privilege of attending, whether contributing towards defraying the expenses or not; provided, that nothing herein shall prevent any person over eighteen from attending the common school of the district or sub-district in which he resides, and that said person shall not be required to contribute toward defraying the expense or pay tuition fees.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Samuel W. Adams	Arch L. Hamilton	Arthur Saunders
R. M. Amos	David J. Howard	Lee L. Simons
C. W. Bennett	Ira Jones	Ira D. Smith
W. M. Boling	H. R. Lawrence	R. F. Stewart
J. F. Bosworth	Martin Light	Geo. F. Thompson
Thos. Bowman	Rufus Lisle	H. Q. Thompson
W. R. Button	C. C. May	John M. Tinsley
E. B. Cross	Harry J. Meyers	N. I. Toombs
O. A. Denton	R. C. Moore	Chas. B. Truesdell
G. Givens Dixon	Ed. P. Murrah	Fred C. Vanhooose
A. W. Dorsey	B. A. Muster	Geo. C. Waggoner
George W. Ellis	Claude D. Minor	W. T. Walker
Mrs. M. E. Flannery	Geo. W. Newman	W. S. Wallen
Dr. H. M. Fultz	D. A. O'Donovan	W. D. Watkins
W. L. Gossett	C. C. Oney	J. B. Wicker
Ed. A. Gullion	S. R. Powell	
J. Edgar Hadden	Arch M. Quarles	

Those who voted in the negative were—

Bryce Cundiff	Thos. O. Holder	H. Walter Pierce
Oscar P. Harvey	S. H. Moore	George W. Smith

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Resolved that the title thereof be as aforesaid.

Mr. Simons moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 381. An Act to amend and re-enact subsec. (b) of Sec. 1 of Chapter 90 of the Acts of the General Assembly of 1920, entitled: "An Act relating to vehicles; regulating their use and operation upon the public highways of this Commonwealth; providing for the registration and licensing of motor vehicles; fixing the amount of the license, and the manner of payment thereof; providing for the registration and licensing of operators of motor vehicles and the amount of such license; providing a method of registration of motor vehicles; preventing illegal traffic in motor vehicles; providing penalty for the violation of this Act, and repealing any and all conflicting laws."

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Sub-section (b) of Section 1 of Chapter 90 of the Acts of the General Assembly of 1920 be, and the same is here-

by, amended and re-enacted, so that said sub-section, when so amended and re-enacted, shall read as follows:

(b) Whenever and wherever the word "Commission" is used herein, it shall mean the State Tax Commission, and whenever and wherever the word "clerk" is used herein, it shall mean the clerk of the County Court, except that the word "clerk," as used herein, shall mean Circuit Clerk in counties having cities of the first class therein.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

W. M. Boling	Oscar P. Harvey	Arch M. Quarles
J. F. Bosworth	Thos. O. Holder	R. I. Rice
Thos. Bowman	David J. Howard	Arthur Saunders
Berl Boyd	Frank J. Humbert	Lee L. Simons
W. R. Button	R. O. Huntsman	Reuben E. Skaggs
Sam A. Cary	Ira Jones	George W. Smith
Lee Clark	H. R. Lawrence	Ira D. Smith
E. B. Cross	Martin Light	R. F. Stewart
J. C. Day	Rufus Lisle	Geo. F. Thompson
O. A. Denton	C. C. May	H. Q. Thompson
G. Givens Dixon	Harry J. Meyers	John M. Tinsley
A. W. Dorsey	Harry B. Miller	Chas. B. Truesdell
George W. Ellis	S. H. Moore	Fred C. Vanhoose
Mrs. M. E. Flannery	Geo. W. Newman	W. T. Walker
W. L. Gossett	D. A. O'Donovan	W. S. Wallen
Ed. A. Gullion	C. C. Oney	W. D. Watkins
J. Edgar Hadden	S. R. Powell	T. C. Willis

Resolved that the title thereof be as aforesaid.

Mr. Simons moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 307. An Act defining the qualifications for admission or matriculation to medical colleges in this State and providing that certificates or diplomas issued to graduates of medical colleges in this State shall authorize such graduates to practice medicine in this Commonwealth without further examination, provided same is filed with the Secretary of the State Board of Health, and providing further, a penalty for violation of this Act.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That any person holding a certificate to teach in the common schools of this State and who desire to pursue the study of medicine, shall be eligible to admission or matriculation in any of the medical colleges situated in this Commonwealth in which the science and art of medicine and surgery are taught.

No medical college in this State shall refuse to admit or matriculate any such applicant, upon payment of the required tuition and usual entrance fees.

No medical college in this Commonwealth, or the governing authority in charge thereof, shall require any further

qualification for admittance or matriculation than that above set out herein.

§ 2. After such applicant shall have been duly admitted or matriculated and satisfactorily completed the regular course of instruction by such medical college, and after such applicant shall have successfully passed the regular and required examination, he shall then be granted a certificate or diploma which shall authorize him to engage in the general practice of medicine without further examination in this Commonwealth, provided such applicant shall, within six months from date of receipt of said certificate or diploma, file same with the Secretary of the State Board of Health, whose duty it shall be to recognize the authority conferred by such certificate or diploma, and issue a license thereon to such applicant so filing same.

§ 3. Any medical college in this Commonwealth, or the corporation, board or governing authority in charge of same, who shall violate any of the provisions of this Act shall be thereof, be punished by a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000) for each offense.

§ 4. All laws or parts of laws in conflict herewith are hereby repealed.

Mr. Waggoner offered the following Amendment, viz.:

“Amend H. B. 307 by inserting in line 3 of said bill before the word “medical” the word “reputable” also insert the word “reputable” before the word “medical” in line 9.”

Said Amendment was agreed to.

Mr. Muster offered the following Amendment, viz.:

“Amend H. B. 307 by striking out in Sec. 1 the words “holding a certificate to teach in the common schools of this

State" and insert in lieu thereof, "who is a graduate of an accredited high school or who holds a certificate, first class, to teach school."

Said Amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Bennett	Ira Jones	R. I. Rice
W. M. Boling	Wright Kelly	Arthur Saunders
Thos. Bowman	H. R. Lawrence	Lee L. Simons
Berl Boyd	Martin Light	Reuben E. Skaggs
W. R. Button	Rufus Lisle	George W. Smith
Sam A. Cary	C. C. May	R. F. Stewart
Lee Clark	Harry J. Meyers	Geo. F. Thompson
E. B. Cross	Harry B. Miller	H. Q. Thompson
J. C. Day	R. C. Moore	D. D. Thornberry
O. A. Denton	S. H. Moore	John M. Tinsley
G. Givens Dixon	Ed. P. Murrah	N. I. Toombs
G. Lucien Drury	B. A. Muster	Chas. B. Truesdell
George W. Ellis	C. D. McCaw	Fred C. Vanhooose
Mrs. M. E. Flannery	Chas. A. Nelson	W. T. Walker
Ed. A. Gullion	Geo. W. Newman	W. S. Wallen
J. Edgar Hadden	D. A. O'Donovan	W. D. Watkins
Oscar P. Harvey	C. C. Oney	J. B. Wicker
Thos. O. Holder	H. Walter Pierce	T. C. Willis
R. O. Huntsman	S. R. Powell	

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Those who voted in the negative were—

Samuel W. Adams	David J. Howard	Geo. C. Waggoner
R. M. Amos	Brodie Payne	
W. L. Gossett	Ira D. Smith	

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Resolved that the title thereof be as aforesaid.

Mr. Simons moved that the vote by which said bill was passed be reconsidered and that motion lie on the table.

Said last named motion was agreed to. .

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 445. An Act to amend an Act entitled: "An Act relating to public schools in the State of Kentucky and known as Chapter 113 of the Kentucky Statutes."

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 4526c-4 of Article 15, Chapter 113 be amended by adding after the words "five dollars" the words "nor more than twenty-five dollars," so that same section shall read as follows:

It shall be the duty of the teachers at the end of each week to report the name and the age of each and every child residing in her school sub-district who fails to attend school as herein prescribed to the attendance officer immediately, to investigate said case or cases and if it be neglect or refusal on the part of the person who has such child under his control to report said case or cases to the nearest court having jurisdiction of the same and it shall be the duty of said court immediately to issue his warrant against the person having control of such child who fails or refuses to send said child to school and said court shall proceed to try said case as other criminal cases are tried.. Any person who has a child under his control and who fails to comply with any of the provisions

of this section shall be guilty of a misdemeanor and shall be fined not less than five dollars nor more than twenty-five dollars for each offense.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, it was read the third time by its title and rejected.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

R. M. Amos	R. O. Huntsman	George W. Smith
J. E. Bickett	H. R. Lawrence	Ira D. Smith
J. F. Bosworth	Martin Light	R. F. Stewart
Berl Boyd	Rufus Lisle	Geo. F. Thompson
W. R. Button	Harry J. Meyers	D. D. Thornberry
Lee Clark	B. A. Muster	John M. Tinsley
O. A. Denton	D. A. O'Donovan	N. I. Toombs
George W. Ellis	H. Walter Pierce	Fred C. Vanhoose
Mrs. M. E. Flannery	R. I. Rice	W. T. Walker
Dr. H. M. Fultz	Arthur Saunders	J. B. Wicker
Ed. A. Gullion	Lee L. Simons	T. C. Willis

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Said bill failing to receive the Constitutional majority of all the members elected to the House, it was declared rejected.

And then the House adjourned.

MONDAY, MARCH 13, 1922.

The House was opened with prayer by the Rev. M. S. Clark of the Methodist Church, South, of Frankfort.

The roll was called and the following Members answered to their names, viz.:

R. M. Amos	David J. Howard	Arch M. Quarles
B. C. Beckmann	Frank J. Humbert	R. I. Rice
C. W. Bennett	R. O. Huntsman	J. L. Richardson
W. M. Boling	J. T. Jennings	Arthur Saunders
J. F. Bosworth	Lester Jeter	David I. Scott
Thos. Bowman	Ira Jones	Lee L. Simons
Berl Boyd	Wright Kelly	Reuben E. Skaggs
John E. Brown	S. B. Lane	George W. Smith
Chas. Chandler	H. R. Lawrence	Ira D. Smith
Lee Clark	Oscar Leibson	R. F. Stewart
J. C. Day	Leon P. Lewis	Frank L. Strange
O. A. Denton	Martin Light	H. V. Thompson
G. Givens Dixon	Rufus Lisle	Geo. F. Thompson
A. W. Dorsey	C. C. May	H. Q. Thompson
G. Lucien Drury	Harry J. Meyers	S. G. Thornberry
H. C. Duffy	Harry B. Miller	D. D. Thornberry
W. D. Duncan	Claude D. Minor	John M. Tinsley
George W. Ellis	R. C. Moore	Garnett W. Tolin
Mrs. M. E. Flannery	S. H. Moore	N. I. Toombs
Emery L. Frazier	B. A. Muster	Chas. B. Truesdell
Dr. H. M. Fultz	W. T. McGuire	John L. Trumbo
Bryant Green	E. E. Nelson	Fred C. Vanhooose
Ed. A. Gullion	Chas. A. Nelson	Geo. C. Waggoner
J. Edgar Hadden	Geo. W. Newman	W. T. Walker
Arch L. Hamilton	C. C. Oney	W. S. Wallen
Oscar P. Harvey	D. A. O'Donovan	W. D. Watkins
H. C. Hawkins	James Park	W. G. Wheeler
Thos. O. Holder	H. Walter Pierce	J. B. Wicker
N. T. Hopkins	S. R. Powell	T. C. Willis

The reading of the Journal of yesterday's proceedings was dispensed with.

Mr. Huntsman offered the following Resolution, viz.:

Whereas, House Bill No. 62 referring to Truant Officers

introduced by Hon. O. A. Denton, a member of this House from Grayson County, Kentucky, and House Bill No. 237 referring to the election of County School Superintendents, introduced by Hon. W. M. Boling of Meade County, Kentucky, have been passed by this House, and

Whereas, said bill are now in the hands of the Senate Rules Committee in the Senate, and

Whereas, these bills are of vital interest to the people of Kentucky, and a State-wide demand by the people for the passage of such laws,

Therefore be it resolved by the members of this House, That we respectfully ask and urge the Rules Committee of the Senate to put these bills upon their immediate passage, and

Be it further resolved, That we ask the Senate to pass said bills without any amendments, as any amendments are equivalent to killing the bills, and

Be it further resolved, That the Clerk of this House, furnish a copy of this resolution to Senator W. A. Perry, Chairman of the Senate Rules Committee.

Mr. Waggoner moved that said Resolution be referred to the Committee on Rules.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. Boling and Huntsman were as follows, viz.: .

Those who voted in the affirmative were—

B. C. Beckmann	J. C. Day	Dr. H. M. Fultz
W. M. Boling	O. A. Denton	W. L. Gossett
J. F. Bosworth	H. C. Duffy	J. Edgar Hadden
Thos. Bowman	W. D. Duncan	Oscar P. Harvey
Sam A. Cary	George W. Ellis	H. C. Hawkins
Chas. Chandler	Mrs. M. E. Flannery	Thos. O. Holder
Lee Clark	Emery L. Frazier	N. T. Hopkins

Frank J. Humbert	Chas. A. Nelson	S. G. Thornberry
R. O. Huntsman	Geo. W. Newman	D. D. Thornberry
J. T. Jennings	D. A. O'Donovan	John M. Tinsley
Ira Jones	Brodie Payne	Garnett W. Tolin
Wright Kelly	H. Walter Pierce	N. I. Toombs
S. B. Lane	S. R. Powell	Oscar Vest
H. R. Lawrence	David I. Scott	W. T. Walker
C. C. May	Reuben E. Skaggs	W. S. Wallen
S. H. Moore	George W. Smith	W. D. Watkins
S. H. Moore	Ira D. Smith	W. G. Wheeler
Ed. P. Murrah	Frank L. Strange	J. B. Wicker
B. A. Muster	H. V. Thompson	T. C. Willis
E. E. Nelson	Geo. F. Thompson	

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Those who voted in the negative were—

R. M. Amos	Lester Jeter	James Park
Bryce Cundiff	Rufus Lisle	R. F. Stewart
Bryant Green	C. D. McCaw	Geo. C. Waggoner
Arch L. Hamilton	W. T. McGuire	

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Mr. Minor moved that this session of the House be extended indefinitely.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 121. An Act to amend Sec. 5, and to repeal Sections 6, 10 and 12 of chapter 100, of the Acts of the General Assembly of 1920, entitled: "An Act to define and prohibit criminal syndicalism and sedition and to prohibit conduct, publications, assemblies and the use of property for the promotion of criminal syndicalism and sedition, prescribing the duties of peace officers and providing penalties."

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 5, of Chapter 100 of the Acts of 1920, be and the same is hereby amended and re-enacted so that said section when so amended and re-enacted shall read as follows:

“The owner, lessee, agent, superintendent or person in charge or occupation of any place, building, room or rooms, or structure, who knowingly permits therein any assembly or consort of persons prohibited by this act, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$500.00, or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment in the discretion of the court or jury trying the case.

§ 2. That Sections 6, 10 and 12 of Chapter 100, of the Acts of the General Assembly of the Commonwealth of Kentucky of 1920, be and the same are hereby repealed.

Mr. Frazier offered the following Amendment by way of Substitute therefor, viz.:

An Act to amend and re-enact section 10 of Chapter 100, Acts of 1920, being an act entitled: “An Act to define and prohibit criminal syndicalism and sedition to prohibit conduct, publication, assemblies and the use of the property for the promotion of criminal syndicalism and sedition, prescribing the duties of peace officers and providing penalties,” which was approved by the Governor March 25th, 1920.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section 10 of Chapter 100, Acts of 1920, being an act entitled “An Act to define and prohibit criminal syndica-

lism and sedition and to prohibit conduct, publication, assemblies and the use of property for the promotion of criminal syndicalism and sedition, prescribing the duties of peace officers and providing penalties" be amended by striking out the word "or" between the words cause and the, in the sixth line of said section, and re-enacted, so that as amended and re-enacted said section shall read as follows:

It shall be unlawful for any person, or persons, by speech, writing or otherwise, to arouse, incite or fix or attempt to arouse, classes of persons for the purpose of inducing public tumult or disorder in order to cause the forceable or violent change or overthrow of the government of the United States or of the government of the Commonwealth of Kentucky, or for the purpose of inciting resistance to the courts, laws, officers or constituted authorities of the Commonwealth of Kentucky, and it shall be unlawful for any such persons, for any such purpose, to display any parade, meeting, assembly or place any red flag, revolutionary insignia or any revolutionary banner, flag, placard, tag, sticker, circular, device or picture, and any person taking part in such parade or meeting or violating this section shall be guilty of a felony and on conviction shall be punished by confinement in the State Penitentiary for not more than twenty-one years, or by a fine of not more than \$10,000 or by both such imprisonment and fine.

Said Substitute was disagreed to.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Samuel W. Adams	Ed. A. Gullion	J. L. Richardson
R. M. Amos	Oscar P. Harvey	Lee L. Simons
B. C. Beckmann	H. C. Hawkins	Reuben E. Skaggs
C. W. Bennett	Thos. O. Holder	George W. Smith
W. M. Boling	N. T. Hopkins	Ira D. Smith
J. F. Bosworth	Frank J. Humbert	R. F. Stewart
Thos. Bowman	R. O. Huntsman	H. V. Thompson
Berl Boyd	J. T. Jennings	Geo. F. Thompson
John E. Brown	Ira Jones	H. Q. Thompson
W. R. Button	Wright Kelly	D. D. Thornberry
Sam A. Cary	H. R. Lawrence	John M. Tinsley
Chas. Chandler	Oscar Leibson	Garnett W. Tolin
Lee Clark	Leon P. Lewis	N. I. Toombs
E. B. Cross	Martin Light	Chas. B. Truesdell
J. C. Day	C. C. May	John L. Trumbo
O. A. Denton	Claude D. Minor	Fred C. Vanhooose
G. Givens Dixon	Ed. P. Murrah	Oscar Vest
A. W. Dorsey	E. E. Nelson	Geo. C. Waggoner
G. Lucien Drury	Chas. A. Nelson	W. T. Walker
H. C. Duffy	Geo. W. Newman	W. S. Wallen
W. D. Duncan	D. A. O'Donovan	W. D. Watkins
George W. Ellis	James Park	W. G. Wheeler
Mrs. M. E. Flannery	Brodie Payne	J. B. Wicker
W. L. Gossett	S. R. Powell	T. C. Willis
Bryant Green	R. I. Rice	

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Those who voted in the negative were—

Bryce Cundiff	David J. Howard	Arthur Saunders
Emery L. Frazier	R. C. Moore	S. G. Thornberry
J. Edgar Hadden	B. A. Muster	
Arch L. Hamilton	Arch M. Quarles	

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Resolved that the title thereof be as aforesaid.

Mr. Minor moved that the vote by which said bill was passed be reconsidered and that motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 94. An Act to prohibit the manufacture, sale, transportation, possession, or other disposition of spirituous, vinous, malt, or intoxicating liquors, except for sacramental, medicinal, scientific or mechanical purposes; to regulate the manufacture, transportation, sale, ownership and possession of apparatus designed for the manufacture or spirituous, vinous, malt or intoxicating liquors in the Commonwealth of Kentucky; to regulate the manufacture, sale and transportation of alcohol for non-beverage purposes; to provide a penalty for violation of the provisions of this Act; to impose upon the Commonwealth's Attorney additional duties in the enforcement of this Act, and to provide compensation therefor; concurring on quarterly courts and the judges thereof, police courts and justices of the peace, concurrent jurisdiction with the Circuit Court in the trial of all offenses under this Act where the punishment does not exceed a fine of Three Hundred Dollars and imprisonment in the County Jail not exceeding sixty days, and declaring an emergency to exist.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful to manufacture, sell, barter, give away, or keep for sale, unlawfully have in possession or transport spirituous, vinous, malt or intoxicating liquors except for sacramental, medicinal, scientific or mechanical purposes of the Commonwealth of Kentucky.

§ 2. On a first conviction for a violation of any provision of this act, except for a violation of a provision for which a

particular penalty is herein provided, the defendant or defendants shall be fined not less than one hundred dollars nor more than three hundred dollars, and if persons, shall in addition, be imprisoned in the county jail for not less than thirty days nor more than sixty days.

Upon a second conviction for a violation of any provision of this act, except Sections 3, 4, 14, 22, 23, 24, 26, 27, 28, 29, 30, 31 and 33, the defendant or defendants, if persons, shall be confined in the penitentiary for not less than one year, nor more than three years, and for a third conviction and each subsequent conviction, the person or persons shall be imprisoned in the penitentiary not less than five nor more than ten years. If the defendant be a corporation, for the second offense, a fine shall be imposed of not less than one thousand dollars, nor more than five thousand dollars, and for the third and each succeeding offense, a fine shall be imposed in the discretion of the jury, but for not less than five thousand dollars.

§ 3. Any person or corporation manufacturing spirituous, vinous, malt or intoxicating liquors, except for sacramental, medicinal, scientific or mechanical purposes in the Commonwealth of Kentucky, shall, upon conviction for the first offense, be fined not less than fifty dollars nor more than five hundred dollars, and if persons, shall in addition, be confined in the county jail for not exceeding six months. Upon a second conviction of such unlawful manufacture the defendant or defendants, if persons, shall be confined in the State Penitentiary for not less than one year nor more than five years, and for the third and each subsequent conviction, shall be confined in the State penitentiary for not less than two years nor more than ten years, in the discretion of the jury. Upon a second or any subsequent conviction of any corporation, under this section, a fine shall be imposed of not less than one thousand dollars nor more than five thousand dollars, in the discretion of the jury.

§ 4. It shall be unlawful for any person to buy, bargain, sell, loan, own, have in possession or transport, an illicit still designed for the unlawful manufacture of intoxicating liquors or any apparatus designed for the unlawful manufacture of spirituous, vinous, malt or intoxicating liquors, and any person or persons convicted for the offense enumerated in this section shall be fined not less than fifty dollars, nor more than five hundred dollars, and in addition shall be imprisoned in the county jail for not exceeding six months.

Upon a second conviction of any offense enumerated in this section the defendant or defendants, if persons, shall be confined in the penitentiary for not less than one year, nor more than five years, and for the third and each subsequent conviction of any offense enumerated in this section, the person or persons shall be confined in the penitentiary for not less than five years, nor more than ten years.

Upon a second or any subsequent conviction of any corporation under this section, a fine shall be imposed of not less than one thousand dollars, nor more than five thousand dollars, in the discretion of the jury.

§ 5. Every person knowingly aiding or abetting any person, firm or corporation, in the violation of any of the provisions of this act, shall be deemed a principal and punished as such.

§ 6. No witness before a grand jury, court of inquiry, or on a trial for any violation of this act, shall be permitted to refuse to answer any question because the answer will incriminate himself, but his evidence shall not be used against him in any subsequent proceedings, and such witness shall not be prosecuted for any offense disclosed in such testimony.

§ 7. An illicit still or apparatus designed for the manufacture of liquor under this act shall include an outfit or parts of an outfit, commonly used, or intended to be used, in the distillation of spirituous, vinous or malt liquors which is not at the time of the trial duly registered in the office of a Col-

lector of Internal Revenue for the United States, and the burden of proving that same is so registered shall be on the defendant or defendants under charge.

§ 8. No property rights shall exist in any liquor or property designed for the manufacture of liquor, unlawfully obtained, possessed, held or used in violation of this act, under charge.

§ 9. No person or persons, company or corporation, shall possess or have in possession any spirituous, vinous or malt liquors unless same have been lawfully acquired and are intended to be used lawfully; and in any suit, prosecution, proceeding or action, or motion concerning same, the burden of proving that same have been lawfully acquired and are intended to be used lawfully shall be upon the defendant or defendants.

§ 10. All persons who are convicted under this act, where a jail sentence is inflicted as part of the punishment, shall serve out the jail sentence at hard labor, and all fines and costs assessed against any person under this act, and not paid or replevied, shall be served out by confinement at hard labor at the rate of one day for each dollar of such fine and costs.

§ 11. No trick, device, subterfuge or pretense, shall be allowed to evade the operation or defeat the purpose of this law.

§ 12. When any officer of the law shall discover any person or persons in the act of illegally possessing or transporting, in violation of this act, intoxicating liquors in any wagon, buggy, automobile, water or air craft, or other vehicle, it shall be his duty to seize at once any and all act or illegally possessed; and to seize said wagon, buggy, automobile, intoxicating liquors found therein being transported contrary to this water or air craft, or other vehicle and team, boat or any other conveyance, and he shall arrest any person or persons in charge thereof. The court upon conviction of the person

so arrested shall order the liquor destroyed and shall order a sale by public auction of the property seized, and the officer making the sale, after deducting the expenses of keeping the property, the fee for the seizure and costs of sale, shall pay all valid recorded liens according to priorities, which are established by intervention at any hearing therefor, as being bona fide; but the burden of establishing that the property was being used without knowledge, consent or approval of the lienor or owner of the property shall be upon the lienor or owner of the property. If, however, no one shall be found claiming the team, vehicle, water or air craft or automobile, or other conveyance, the seizure of same, with a description thereof, shall be advertised in some newspaper being circulated in the county, once a week for two consecutive weeks and by handbills posted in three public places near the place of seizure, and if no claimant shall appear within ten days after the last publication of the advertisement, the said property shall be sold and the proceeds, after deducting expenses and costs, shall be paid to the trustee commissioner of the jury fund who shall transmit same as in all other fines and forfeitures. The court shall order all sales under this act to be made by the sheriff who shall receive and be allowed the same fees as allowed for sales under execution.

§ 13. Any person, firm or corporation, knowingly or intentionally renting, hiring, letting or lending or leasing, or permitting the use of, or using any building, house, structure, or premises, farm or part thereof, real estate or part thereof, or any boat or other water craft or aircraft, or any car, truck, wagon or team, automobile or other vehicle, or the animals used in hauling or propelling the same for the purpose of the unlawful manufacture, sale or transportation of intoxicating liquors, to another or other shall be considered guilty of a nuisance and of a violation of this act, and any property so used in violation of this act shall become forfeited to the Commonwealth of Kentucky. Any Commonwealth's attor-

ney, county attorney, mayor of a city or a town, or any private citizen, may maintain an action in equity in the name of the Commonwealth of Kentucky upon relation of said officers or citizens against the owner to forfeit such property, and in such action evidence of the general reputation of the place or property and of defendant shall be admissible. Upon a judgment of forfeiture, the court shall direct the sheriff to sell the property. If personal property the sheriff shall sell same for cash at public auction, and if real estate he shall sell same on a credit of six and twelve months, taking bonds therefor with good and sufficient personal security and in addition retaining a lien on the land or real estate to secure payment of said bonds; but before selling either personal property or real estate the sheriff shall advertise same as in sales under execution.

The sheriff for making said sales shall receive the same fees as allowed for sales under execution.

The sheriff shall pay first out of the purchase money any valid bona fide recorded liens on the said property so sold and the court shall have power, in its discretion, to order a sale subject to said liens.

If the complaint herein is filed by a citizen it shall not be dismissed except upon a sworn statement made by a complainant and his attorney, setting forth the reasons why same should be dismissed and the dismissal approved in writing by the Commonwealth or county attorney in open court. If the complaint be filed by a private citizen and a sale ordered said citizen shall receive 10% of the net proceeds of sale of any property under any judgment of forfeiture, to be ordered paid in the judgment of the court, and the sheriff shall pay the same to said citizen out of proceeds of sale, after deducting costs and all valid liens.

No lien on any property so sold shall be paid unless same is recorded prior to the committing of said nuisance; unless

lienor can establish he had no knowledge of said nuisance and the burden shall be upon lienor to establish same.

The sheriff, after payments of liens, costs and fees, shall pay the balance of proceeds of sale to the trustee of the jury fund, who shall report same as in all other fines and forfeitures. The forfeiture herein provided for shall extend to the whole of the farm, premises, building or structure owned by defendant or to such thereof as he has an interest in including all land and buildings in one boundary, and shall not be construed to mean a part thereof.

§ 14. Any circuit judge, county judge, police judge or justice of the peace, when affidavit of any State or Federal officer, or of any reputable citizen, is filed with him describing the house, building or premises, as nearly as may be where intoxicating liquors are sold or manufactured or disposed of, or illegally possessed in violation of this act, shall by his warrant cause any house or building or other place or premises to be searched by night or day for the detection of any intoxicating liquors which are kept there for sale or other disposition, in violation of this act, or for the detection of any illicit still or apparatus designed for the manufacture of intoxicating liquors or for intoxicating liquors illegally possessed in violation of this act, and if admission be not given on demand made, the officer enforcing said warrant shall force an entrance into such house, building or other place and seize any intoxicating liquors and illicit stills or apparatus designed for the manufacture of liquor and arrest the keeper or person in charge of such house, building or other place, or intoxicating liquors or still or apparatus, and carry such person before said judge issuing the warrant to be dealt with according to law.

The officer shall destroy said illicit still or apparatus designed for the manufacture of intoxicating liquors; but shall carry said intoxicating liquors before the judge issuing said warrant. Any officer receiving a warrant as herein set out,

shall immediately proceed to execute same on the day received, and for a failure to do so shall be fined not less than one hundred dollars nor more than five hundred dollars.

No search warrant as herein provided for shall be quashed if said search warrant and affidavit on which it is based are sufficient on the face thereof. If the search warrant is quashed no property taken by virtue thereof shall be ordered returned or restored unless the person from whose possession same was taken both alleges and proves that he was in lawful possession of said property.

§ 15. In any prosecution or proceeding for any violation of this act, the general reputation of the defendant or defendants for moonshining, bootlegging or being engaged in the illicit manufacture of, or trade in, intoxicating liquors, shall be admissible in evidence against said defendant or defendants.

§ 16. Any peace officer making an arrest of any person for any violation of this act shall, upon final conviction of defendant, receive a fee of five dollars to be taxed as costs, and if not paid as costs then same shall be allowed by the fiscal court of the county and paid out of county funds.

§ 17. Any person or persons furnishing information resulting in the arrest and conviction of any defendant for illegally manufacturing intoxicating liquors shall receive a reward of fifty dollars, to be allowed by the fiscal court of the county and paid out of county funds.

§ 18. On a first conviction for violation of any of the provisions of this act, except where the punishment is confinement in the penitentiary, the court shall require the defendant, in addition to the penalty inflicted, to execute bond in a sum not less than one thousand dollars nor more than five thousand dollars, to be of good behavior for twelve months, and not violate any of the laws of Kentucky relative to the sale, possession, transportation or manufacture of intoxicating liquors, and if the bond be not executed the defendant shall be committed to the county jail in default of

such bond for a period of ninety days. The order of the trial court requiring the execution of the peace bond herein provided for shall not be considered a part of the punishment inflicted under this act, but as a security against future violations of the provisions of this act, and said order shall not be subject to appeal.

§ 19. The court, upon conviction of any defendant or defendants for illegal manufacture or sale of intoxicating liquors, shall order the destruction of any illicit stills or apparatus designed for the manufacture of liquor and may order the copper or other property sold and the proceeds of the sale shall be paid to the county treasurer of the county for the benefit of the road fund.

§ 20. The court shall have the power to order the destruction of all intoxicating liquors, illicit stills and apparatus designed for the manufacture of intoxicating liquors where no owner of same is arrested or apprehended.

§ 21. Nothing in this act shall be construed so as to make it unlawful to possess liquors in one's private dwelling while the same is occupied and used by him as his dwelling only, and such liquors need not be reported; provided such liquors are for the use only for the personal consumption of the owner of said dwelling and his family residing in said dwelling, and for his bona fide guests when entertained therein by him; and the burden of proof shall be upon the possessor in any trial, action, proceeding, motion or suit concerning the same to prove that such liquor was lawfully acquired, possessed and used.

§ 22. Any person desiring to manufacture any apparatus designed for the manufacture of intoxicating liquors shall first secure a license in the county of his residence from the clerk of the county court thereof, and shall give him his name, age and residence to said clerk, and shall pay a license fee of twenty-five dollars per year.

Whenever said person shall sell any apparatus designed

for the manufacture of intoxicating liquors, he shall register in a book kept for that purpose the name of the person to whom sold, his residence and post-office address, and the apparatus sold, and in addition shall immediately certify to the county clerk of the county wherein the vendee resides the name and post-office of said vendee and the apparatus purchased by said vendee.

The manufacture and sale of any apparatus designed for the manufacture of intoxicating liquors without complying with the provision of this section is hereby declared unlawful and any person or persons convicted for a violation of this section shall be fined not less than one hundred dollars nor more than three hundred dollars and, if persons, shall in addition be confined in the county jail not less than ten days nor more than sixty days.

§ 23. It shall be the duty of the courts and judges of this Commonwealth, and all officers and conservators of the peace, to enforce the provisions of this act. Any sheriff, deputy sheriff or other peace officer of this Commonwealth, failing to enforce any provision of this act after receiving information of a violation thereof, or having knowledge of a violation of this act, and failing to act thereon, shall be subject to indictment for nonfeasance or malfeasance in office and upon conviction shall be fined not less than one hundred dollars nor more than one thousand dollars and upon such conviction the office shall become vacant and the judgment of conviction shall so recite, but such officer shall have the right to appeal to the Court of Appeals.

§ 24. Any person who shall in any public place, or in or upon any passenger coach, street car, or in or upon any vehicle commonly used for the transportation of passengers, or in or about any depot, platform, waiting station or room, drink any intoxicating liquor of any kind, or if any person shall be drunk or intoxicated in any public or private road, or in any passenger coach, street car or other public place or building, or at any public gathering, or if any person shall be

drunk or intoxicated, or shall disturb the peace of any person, he shall be guilty of a misdemeanor and upon conviction thereof shall be punished by fine of not less than ten dollars nor more than one hundred dollars, or by imprisonment for not less than five days nor more than thirty days, or by both such fine and imprisonment.

§ 25. Every railroad conductor is hereby authorized and empowered to exercise in every county of this State, through which the train in charge of such conductor passes, all their common law and statutory powers for the purpose of enforcing the provisions of the last preceding section, and to arrest offenders against any such provisions, and in so doing they shall be considered as acting for the State and not as employes of the railroad company. Arrests for offenses against such provisions may be made by such conductor without warrant, and persons so arrested shall be delivered by him to some justice of the peace, police judge, sheriff, constable or police officer at some station or place within the county in which the offense was committed, for trial as provided by law; provided, that if the train shall have passed from the county in which such offense was committed and for which such arrest shall have been made, then such conductor shall deliver the person so arrested to some officer of another county, and he shall be held and delivered to some officer of the county in which the offense was committed to be there held for trial as provided by law. When any railroad conductor, who is actually engaged in the discharge of his duty, makes a legal arrest under the provisions of this section, then and in that case the railroad company employing him shall not be liable for damages to the person or persons for such arrest.

§ 26. The articles enumerated in this section shall not, after having been manufactured and prepared for the market, be subject to the provisions of this act, including the provisions relating to the keeping of records, the giving of notice, and the filing of statements in the county court clerk's office,

if they correspond to the following descriptions and limitations, namely:

(a) Denatured alcohol or denatured rum produced and used as provided by laws and regulations now or hereafter in force.

(b) Medicinal preparations manufactured in accordance with formulas prescribed by the United States Pharmacopoeia, National Formulary or the American Institute of Homeopathy that are unfit for use for beverage purposes.

(c) Patented, patent and proprietary medicines that are unfit for use for beverage purposes.

(d) Toilet, medicinal and antiseptic preparations and solutions that are unfit for beverage purposes.

(e) Flavoring extracts and syrups that are unfit for use as a beverage, or for intoxicating beverage purposes.

(f) Vinegar and preserved sweet cider.

(g) Wine for sacramental purposes.

(h) Alcohol medicated according to such formulas as will render it unfit for beverage purposes and which is to be sold for legitimate external use.

(i) Alcohol for mechanical and scientific purposes if unfit for a beverage.

(j) Any person who manufactures, purchases or possesses any of the articles mentioned in this section, or preparations fit for beverage purposes which are authorized to be manufactured, which may be used in the manufacture of other preparations compounded in accordance with formula prescribed by the United States Pharmacopoeia, National Formulary or the American Institute of Homeopathy, with preparations when so manufactured are unfit for use for beverage purposes, or in the manufacture of patented, patent and proprietary or other medicines, or for physicians' prescriptions, which are unfit for use for beverage purposes, may purchase and possess liquors for that purpose, but he shall give the bond as provided in Section 28 to the Commonwealth of Ken-

tucky that such liquors shall be used for the purpose mentioned herein, and he shall keep a record of the amount of the liquors so manufactured each day. Said records to be open to the inspection of the county attorney of the county and to the Commonwealth's attorney of the district wherein such person resides.

No such manufacturer shall sell, use or dispose of any liquor otherwise than as an ingredient of the articles authorized to be manufactured therefrom. No more alcohol shall be used in the manufacture of any syrup, extract or the articles named in paragraphs b, c, and d, of this section which may be used for beverage purposes than the quantity necessary for the extraction or solution of the elements mentioned therein and for the preservation of the article.

Any person who shall knowingly sell any of the articles mentioned in paragraphs a, b, c and d, of this section for beverage purposes or any extract or syrup for intoxicating beverage purposes, or who shall sell any of the same under circumstances from which the seller might reasonably deduce the intention of the purchasers to use them for such purposes, or shall sell any beverage containing one-half of one per centum or more alcohol by volume in which any extract, syrup or other article is used as an ingredient, shall be subject to the penalties provided in this act.

Nothing in this act shall prevent the manufacture or sale of wine for sacramental purposes in accordance with the provisions of the National prohibition act.

Alcohol for mechanical and scientific purposes may be secured from persons authorized to manufacture and sell such alcohol under the provisions of the National prohibition act.

§ 27. It shall be the duty of every person who proposes to manufacture or sell any liquors coming within the provisions of this act, except as provided in Section 26 of this act, before he shall manufacture or sell any such liquors, to file with the county court clerk of the county wherein he proposes

to manufacture or sell such liquors, his sworn statement of intention so to do, which shall contain the following information:

His intention to manufacture or sell such liquors and the kind thereof.

The particular place where such liquors are to be manufactured and sold.

If any person shall manufacture or sell any such liquors before the filing of his declaration of his intention so to do, or before executing a bond as hereinafter provided, with the County Court Clerk, he shall be fined not less than one hundred dollars nor more than five hundred dollars, or imprisoned in the county jail not less than six months nor more than one year, or both so fined and imprisoned, in the discretion of the jury, and every day on which he shall manufacture, sell or dispose of any such liquor shall be deemed a separate offense. No such liquor shall be manufactured or sold by any person at any place other than that set out in his declaration of intention.

§ 28. Before any person shall manufacture any spirituous, vinous, malt or intoxicating liquor coming within the provisions of this act, he shall execute bond in the sum of one thousand dollars with good surety, payable to the Commonwealth of Kentucky, to be approved by the County Court Clerk; which said bond shall be executed and filed in the office of the County Court Clerk of the county in which said liquors are to be manufactured or sold. Said bond shall be conditioned that said person shall not manufacture, sell or dispose of such liquors in violation of any of the provisions of this Act. Upon conviction of any person of any offense provided in this Act, the bond shall be forfeited to the Commonwealth of Kentucky.

§ 29. Before any person other than a manufacturer shall sell or dispose of any spirituous, vinous, malt or intoxicating liquors coming within the provision of this Act, he shall exe-

cute bond in the sum of one thousand dollars with good surety, payable to the Commonwealth of Kentucky, to be approved by the County Clerk, which said bond shall be executed and filed in the office of the County Court Clerk of the county in which said liquors are to be sold. Said bond shall be conditioned that such liquors shall not be sold or disposed of in violation of the provisions of this Act. Upon conviction of any such person of any offense as provided in this act the said bond shall be forfeited to the Commonwealth of Kentucky.

§ 30. All persons manufacturing any spirituous, vinous, malt or intoxicating liquors coming within the provisions of this Act, except as provided in Section 26 of this act, shall file in the office of the County Court Clerk of the county in which such liquors are made, a sworn statement showing the amount, kind and quality of the liquors so manufactured and its location, and if any has been sold, the amount sold, the date of each sale and the name and address of each person to whom it has been sold. If none has been sold, the report shall so state. This report shall be made and filed on the first day of July and the thirty-first day of December of each year. Such persons so manufacturing such liquors, except as provided in Section 26 of this Act, shall keep a record showing the amount, kind and quality of such liquors, the amount sold, the name and address of the persons to whom sold and the dates of all sales, which record shall be open to the inspection of the County Attorney of the county and the Commonwealth's Attorney of the district in which such liquors are manufactured, at all business hours of the day.

§ 31. All persons other than manufacturers, who sell or dispose of any spirituous, vinous, malt or intoxicating liquors coming within the provisions of this Act, except as provided in Section 26 of this Act, shall keep a record showing the amount, kind and quantity of such liquors, and the amount sold and the name and address of the persons to whom any

such liquors shall be sold or disposed of, and the dates of all such sales or dispositions, which record shall be open to the inspection of the County Attorney of the county and the Commonwealth's Attorney of the district in which such liquors are sold, at all business hours of the day.

All such persons other than manufacturers who shall sell or dispose of liquors within the provisions of this Act, except as provided in Section 26 of this Act, shall file in the office of the County Court Clerk of the county in which such liquors are sold or disposed of, a sworn statement showing the amount kind and quality of the liquors sold, the date of such sales, the amount sold and the name and address of persons to whom sold. If none has been sold the report shall so state. Such report shall be made and filed on March 31, June 30, September 30, and December 31 of each year.

§ 32. Physicians may issue and pharmacists may fill prescriptions for intoxicating liquors, under the restrictions of the National Federal Law.

§ 33. Every physician who issues prescriptions under this Act shall keep duplicates of same on file in alphabetical order at his office for two years after the date thereof; said prescriptions shall be open to the inspection of the County Attorney of the county and the Commonwealth's Attorney of the district in which such physician resides.

§ 34. No sale or disposition of such liquors as dened herein shall be made by any person upon or because of any physician's prescription, unless such prescription shall state the name and address of the patient, the druggist or pharmacist to whom addressed, the amount required, that the physician is in personal attendance on said patient, and the name and address of the physician who prescribes such liquor, and that the alcoholic preparation prescribed is necessary in the proper treatment of said ailment of said patient and the date thereof. All such prescriptions shall be marked cancelled and filed and kept by the person making the sale for

two years after the date of the sale and shall at no time be refilled. Such prescriptions shall be subject to inspection at any business hour of any day by the County Attorney of the county and the Commonwealth's Attorney of the district in which such liquors are sold. No person other than a regular licensed and practicing physician shall issue any such prescription.

§ 35. No prescription shall provide for more than one pint of such liquors, nor shall any physician prescribe for more than one pint of such liquors to any person at any time, nor at intervals of less than ten (10) days. If any person shall procure any such liquors upon such prescriptions at intervals of less than ten (10) days he shall be fined not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00), or imprisoned in the county jail for not less than ten (10) days nor more than sixty days, or both so fined and imprisoned in the discretion of the jury.

§ 36. Upon the first or second conviction of any druggist, pharmacist or physician, for violating any of the provisions of this Act, the judgment of conviction, in addition to all other penalties imposed in this Act, may, in the discretion of the trial court, provide for the suspension of the license of such physician, druggist or pharmacist, for the period of one year; and for the third conviction shall provide for the suspension of the license of such physician, druggist or pharmacist, for the period of one year.

§ 37. Any person who shall forge a physician's prescription or attempt to use such prescription in obtaining liquors from any person authorized to sell such liquors, or other person, shall be punished by confinement in the county jail not less than sixty days nor more than one year for such offense.

§ 38. It shall be the duty of the Auditor to prepare, by and with the advice of the Attorney General, all blanks and

forms provided for hereunder. Upon application he shall furnish any person with a sufficient quantity of the same.

§ 39. For each manufacturer's report filed the County Court Clerk shall receive a fee of one dollar.

For each report filed by any person other than a manufacturer the County Court Clerk shall receive a fee of fifty cents.

For each declaration of intention to either manufacture or sell, filed by any person, the county court clerk shall receive a fee of one dollar.

All such fees shall be paid by the person filing such reports and declarations of intention.

§ 40. Any officer, agent or employe of any railroad company, express company, or other common carrier, who shall knowingly carry or deliver any liquors, the sale of which is prohibited by this Act, to or for any person to be sold, bartered or given away, or otherwise furnished in violation of this act, and any officer, agent or employe who shall knowingly deliver any such liquor to any person other than the person to whom it is consigned, and without a written order in such instance of the consignee thereof shall be guilty of a misdemeanor, and upon conviction shall be fined not less than fifty dollars nor more than three hundred dollars.

§ 41. Quarterly courts, and the judges thereof, justices of the peace and police courts, shall have concurrent jurisdiction with the circuit court in the trial of all offenses committed in their respective jurisdictions under the provisions of this act, where the penalty which may be inflicted does not exceed a fine of three hundred dollars and imprisonment in the county jail not exceeding sixty days, and said courts shall always be open for the trial of such offenses.

§ 42. A failure to comply with any of the provisions of this act shall be a misdemeanor, and upon conviction, where no other penalty is specifically provided, the punishment fixed in Section 2 of this act shall be inflicted.

§ 43. Nothing in this act shall prevent the manufacture,

sale, transportation or delivery of intoxicating liquors by manufacturers, wholesale druggists or retail druggists having permits issued under the regulations provided for the enforcement of the act of Congress known as the National Prohibition Act, or the sale, transportation or delivery by manufacturers by wholesale druggists to other manufacturers, wholesale druggists or to retail druggists; provided, however, that such manufacturers, wholesale druggists and retail druggists have permits to sell or to purchase under the provisions of said National Prohibition Act, and have complied with all the provisions of this act.

§ 44. This act is intended to be a full and complete law on the subjects covered by same, and it is intended to supersede all other laws of the Commonwealth of Kentucky on said subjects; provided, that all prosecutions commenced, and now pending, under any other law of the Commonwealth on said subjects, shall not be affected by the passage of this act.

§ 45. If any section, paragraph or part of this act shall be held to be unconstitutional, the remainder of this act shall continue effective and enforceable notwithstanding such decision.

Whereas, because of defects in the law as it now exists, it is difficult to punish those guilty of the illegal manufacture, sale, transportation and possession, of intoxicating liquors; and

Whereas, the public welfare demands that these defects be speedily remedied, an emergency is declared to exist, and this law shall be effective from and after the date of its passage, and approval by the Governor.

Mr. Truesdell offered the following Amendment, viz.:

Amend S. B. 94 by adding after the word "Act" in line 15, Section 43, page 20 of said bill as printed, the following: "And provided, further, that in the event the Congress of the United States shall enact such laws as will permit the manufacture and sale of any liquor or liquors, the manufac-

ture and sale of which are prohibited by this Act or any Act of Congress, then such manufacture and sale shall become legal in this Commonwealth under such license laws as were in force when this Act which this Act repeals became effective.”

Said amendment was disagreed to.

The yeas and nays being required thereon by Messrs. Trumbo and Miller were as follows, viz.:

Those who voted in the affirmative were—

Samuel W. Adams	Frank J. Humbert	Harry B. Miller
R. M. Amos	R. O. Huntsman	D. A. O'Donovan
B. C. Beckmann	J. T. Jennings	H. Q. Thompson
J. F. Bosworth	Oscar Leibson	Garnett W. Tolin
Sam A. Cary	Leon P. Lewis	Chas. B. Truesdell
A. W. Dorsey	Rufus Lisle	W. S. Wallen
Arch L. Hamilton	Harry J. Meyers	

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Those who voted in the negative were—

C. W. Bennett	J. Edgar Hadden	C. D. McCaw
W. M. Boling	Oscar P. Harvey	W. T. McGuire
Thos. Bowman	H. C. Hawkins	E. E. Nelson
Berl Boyd	Thos. O. Holder	Chas. A. Nelson
John E. Brown	N. T. Hopkins	Geo. W. Newman
W. R. Button	David J. Howard	C. C. Oney
Chas. Chandler	Lester Jeter	James Park
Lee Clark	Ira Jones	Brodie Payne
E. B. Cross	Wright Kelly	H. Walter Pierce
Bryce Cundiff	S. B. Lane	S. R. Powell
O. A. Denton	H. R. Lawrence	Arch M. Quarles
G. Givens Dixon	Martin Light	R. I. Rice
George W. Ellis	C. C. May	Arthur Saunders
Mrs. M. E. Flannery	Claude D. Minor	Reuben E. Skaggs
Dr. H. M. Fultz	R. C. Moore	George W. Smith
W. L. Gossett	S. H. Moore	R. F. Stewart
Bryant Green	Ed. P. Murrah	Frank L. Strange
Ed. A. Gullion	B. A. Muster	H. V. Thompson

Geo. F. Thompson	John L. Trumbo	W. D. Watkins
S. G. Thornberry	Fred C. Vanhoose	W. G. Wheeler
D. D. Thornberry	Oscar Vest	J. B. Wicker
John M. Tinsley	Geo. C. Waggoner	T. C. Willis
N. I. Toombs	W. T. Walker	

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Mr. Miller offered the following amendment, viz.:

“Amend Sec. 2 of S. B. 94 by adding after the word “addition” in line 5 of said section on page two of said bill the word “or” and by adding after the word “days” which is the last word in line 6 of said section on page 2 of said bill the words “ or both by such fine and imprisonment.”

Said amendment was disagreed to.

Mr. Boyd offered the following amendment, viz.:

“Amend S. B. 94 by striking out lines 1 to 6 inclusive, in Section 43 and substituting the following therefor “except in districts containing cities of the first class, all prosecutions under his Act, originating in courts inferior to the Circuit Court, may be under the official supervision and control of the Commonwealth Attorney of the District in which the offense is committed and he may personally appear and conduct such prosecutions in the inferior courts as he deems necessary.”

Said amendment was disagreed to.

Mr. Boyd offered the following amendment, viz.:

Amend S. B. 94 by inserting in line 33, sec. 43 after the word “courts” the following words “on which he is in actual attendance and personally conducts the prosecutions.”

Said amendment was disagreed to.

Mr. Bowman offered the following amendment, viz.:

“Amend S. B. 94 by striking out all of section 17 of the bill.”

Said amendment was disagreed to.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, viz.:

Those who voted in the affirmative were—

B. C. Beckmann	Ed. A. Gullion	Geo. W. Newman
C. W. Bennett	J. Edgar Hadden	C. C. Oney
W. M. Boling	Oscar P. Harvey	James Park
J. F. Bosworth	H. C. Hawkins	Brodie Payne
Thos. Bowman	Thos. O. Holder	H. Walter Pierce
Berl Boyd	David J. Howard	S. R. Powell
John E. Brown	Lester Jeter	Arch M. Quarles
W. R. Button	Ira Jones	R. I. Rice
Chas. Chandler	Wright Kelly	J. L. Richardson
Lee Clark	S. B. Lane	Arthur Saunders
E. B. Cross	H. R. Lawrence	David I. Scott
J. C. Day	Leon P. Lewis	Reuben E. Skaggs
O. A. Denton	Martin Light	George W. Smith
G. Givens Dixon	C. C. May	Ira D. Smith
A. W. Dorsey	Claude D. Minor	R. F. Stewart
G. Lucien Drury	R. C. Moore	Frank L. Strange
W. D. Duncan	S. H. Moore	H. V. Thompson
George W. Ellis	Ed. P. Murrah	Geo. F. Thompson
Mrs. M. E. Flannery	B. A. Muster	S. G. Thornberry
Emery L. Frazier	C. D. McCaw	D. D. Thornberry
Dr. H. M. Fultz	W. T. McGuire	John M. Tinsley
W. L. Gossett	E. E. Nelson	N. I. Toombs
Bryant Green	Chas. A. Nelson	John L. Trumbo

Fred C. Vanhooose	W. T. Walker	W. G. Wheeler	
Oscar Vest	W. S. Wallen	J. B. Wicker	
Geo. C. Waggoner	W. D. Watkins		—77

Those who voted in the negative were—

Samuel W. Adams	Frank J. Humbert	Harry J. Meyers	
R. M. Amos	R. O. Huntsman	Harry B. Miller	
H. C. Duffy	J. T. Jennings	H. Q. Thompson	
Arch L. Hamilton	Oscar Leibson	Chas. B. Truesdell	—12

Resolved that the title thereof be as aforesaid.

Mr. Minor moved that the vote by which said bill was passed be reconsidered and that motion lie on the table.

Said last motion was agreed to.

A message was received from the Senate announcing that they had passed a bill of the following title, viz.:

S. B. 178. An Act to protect the title of motor vehicles and trailers in this State; to provide for the issuance of certificates of title and evidence of registration thereof; to regulate purchase and sale or other transfer of ownership; to facilitate the recovery of motor vehicles and trailers stolen or otherwise unlawfully taken; to provide for the regulation and licensing of certain dealers in used and second-hand vehicles as herein defined; to prescribe the powers and duties of the State Tax Commission hereunder; and to provide penalties for violation of the provisions hereof.

Said bill was ordered printed and referred to the Committee on Rules.

A message was received from the Governor announcing that he returns to this House, where it originated, without his approval and signature a bill entitled:

H. B. 85. An Act to amend and re-enact Section 1475, Kentucky Statutes, Carroll's Edition, 1915, relating to illiterate, blind and disabled voters.

Together with his objections to said and his reasons therefor.

(For bill see House Journal February 7).

The objections of the Governor and his reasons therefor are as follows, viz.:

VETO OF HOUSE BILL No. 85.

House Bill No. 85 was prepared, introduced and passed for the deliberate purpose of making it impossible for illiterate citizens to vote in the city of Louisville. It is a companion bill of the Non-Emblem Bill. There will be no emblem on the ballot in municipal elections in Louisville. This act is designed and intended to make it impossible for an illiterate voter to exercise the highest right of his citizenship. The bill requires an illiterate voter, before he can have a ballot marked, to be able from memory to state the name of the person for whom he desires to vote and the office for which he is a candidate. In other words, a memory test is required beyond the capacity of almost any person. To remember the names of a flock of councilmen, aldermen, city officials of various kinds and classes, together with the title of their offices is a task which no member of the Legislature from the City of Louisville, who voted for this bill, could stand.

The bill also fails to make any provision for, and absolutely makes it impossible for a dumb person, who is an illiterate, to vote. it requires a memory test for the blind which is beyond all fairness and reason. The act seeks to deprive unfortunate citizens, who have not had an opportunity to secure an education, of their most cherished rights, and this is done not for the good of the ballot; not for the good of the

City of Louisville, but in the expectation that it will give a partisan advantage to the Democratic party in municipal elections. The bill was not conceived, and has not been passed in good faith, and has as its only purpose and only recommendation the completion of a political trick for selfish aims and purposes.

I have always been in favor of the ballot belonging to every man and every woman, whether rich or poor, educated or illiterate, black or white. Our government has been made by the people; kept by the people; and it is their government.

Every male citizen is compelled to defend his Country and protect it if needs be with his life, and this compulsion is not based on whether he can read or write. I have never known of an educational qualification preventing a soldier from offering his life for his Country, marching under its flag or fighting its battles. The gentlemen who presented this bill did not have any objections to an illiterate registering for draft purposes during the war, but they are willing to prevent for political purposes an illiterate from voting in an election.

This act, if it becomes a law, will take from hundreds of good citizens in Louisville all right to a voice in selecting their public servants. Many of those who will be stripped of this privilege were, through poverty and misfortune in their early life, unable to obtain an education. Many of those branded as unworthy to vote by this act were worthy to, and did offer their lives for their country in time of its peril.

I am not willing for this wrong to be done without protesting against it. I am not willing to sign such a bill or help it to become a law, and I take very great pleasure in vetoing it. It is, therefore, vetoed.

EDWIN P. MORROW,

March 13th, 1922.

Governor of Kentucky.

Thereupon the House proceeded as provided by the Constitution to reconsider said bill.

After such reconsideration the question was taken upon the passage of said bill, the objections of the Governor and his veto to the contrary notwithstanding, and it was decided in the affirmative.

The yeas and nays being taken on the passage of said bill, the objections of the Governor and his veto to the contrary notwithstanding, in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Samuel W. Adams	Arch L. Hamilton	H. Walter Pierce
B. C. Beckmann	H. C. Hawkins	Arch M. Quarles
C. W. Bennett	David J. Howard	R. I. Rice
W. M. Boling	Lester Jeter	Arthur Saunders
Berl Boyd	S. B. Lane	Lee L. Simons
John E. Brown	H. R. Lawrence	George W. Smith
W. R. Button	Leon P. Lewis	Ira D. Smith
Lee Clark	Martin Light	R. F. Stewart
Bryce Cundiff	Rufus Lisle	Frank L. Strange
O. A. Denton	C. C. May	H. V. Thompson
G. Givens Dixon	Harry J. Meyers	S. G. Thornberry
A. W. Dorsey	Harry B. Miller	D. D. Thornberry
G. Lucien Drury	Claude D. Minor	Garnett W. Tolin
H. C. Duffy	R. C. Moore	N. I. Toombs
W. D. Duncan	S. H. Moore	Oscar Vest
George W. Ellis	B. A. Muster	Geo. C. Waggoner
Mrs. M. E. Flannery	C. D. McCaw	W. T. Walker
Emery L. Frazier	W. T. McGuire	W. S. Wallen
Bryant Green	Chas. A. Nelson	W. D. Watkins
Ed. A. Gullion	D. A. O'Donovan	W. G. Wheeler
J. Edgar Hadden	Brodie Payne	T. C. Willis

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Those who voted in the negative were—

R. M. Amos	Chas. Chandler	Oscar P. Harvey
J. F. Bosworth	E. B. Cross	Thos. O. Holder
Thos. Bowman	J. C. Day	N. T. Hopkins
Sam A. Cary	Dr. H. M. Fultz	Frank J. Humbert

R. O. Huntsman	Geo. W. Newman	H. Q. Thompson
J. T. Jennings	James Park	John M. Tinsley
Ira Jones	S. R. Powell	Chas. B. Truesdell
Wright Kelly	J. L. Richardson	John L. Trumbo
Oscar Leibson	David I. Scott	Fred C. Vanhoose
Ed. P. Murrah	Reuben E. Skaggs	
E. E. Nelson	Geo. F. Thompson	—31

Ordered that the Clerk of this House deliver said bill with the objections of the Governor thereto, to the Senate with the announcement of the action taken thereon by the House of Representatives in order that the Senate may, in accordance with the provisions of the Constitution, reconsider said bill.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 206. An Act for the protection and conservation of natural gas, etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The use, consumption or burning of natural gas taken or drawn from any natural gas well or wells, or borings from which natural gas is produced for the products where such natural gas is burned, consumed, or otherwise wasted, without the heat therein contained being fully and actually applied and utilized for other manufacturing purposes or domestic purposes is hereby declared to be a wasteful and extravagant use of natural gas, and shall be unlawful when such gas well or source of supply is located within ten (10) miles of any incorporated town or pipe line for the transportation of such gas to any incorporated town.

§ 2. No person, firm or corporation, having the posses-

sion or control of any natural gas well or wells, or borings from which natural gas is produced, except as herein provided, whether as a contractor, owner, lessee, agent, or manager, shall use, sell or otherwise dispose of natural gas, the product of any such well or wells, or borings for the purpose of manufacturing or producing carbon or other resulting products from the burning or consumption of such natural gas, without the heat therein contained being actually and fully applied and utilized for manufacturing purposes or domestic purposes.

§ 3. Any person, firm or corporation violating any of the provisions of this Act shall be guilty of a misdemeanor and shall be punished by a fine of not less than one hundred (\$100) dollars or more than one thousand (\$1,000) dollars for each offense and each and every day in which any person, firm or corporation shall violate any of the provisions hereof, shall constitute a separate offense hereinafter and subject the offender to the penalty hereby provided.

§ 4. Nothing contained in this Act shall be construed to apply to casing head gas, or gas obtained from any well or wells while being operated as an oil well; or while being used for fresh or mineral water; or to prohibit the use of gas in drilling, pumping or other oil or gas operations, or the manufacture of casing head or natural gas gasoline; or to prohibit the use of such gas in any manner, except the burning or consumption of same solely for the carbon or other products obtained thereby.

§ 5. There are excepted from the operation of this Act such manufacturing plants as are now engaged in the manufacture of carbon black from natural gas, to the extent of their present capacity and while in their present location.

§ 6. If any section or part thereof of this Act shall be declared unconstitutional such decision shall not affect any other part of this Act.

Mr. Park offered the following Amendment, viz.:

“An Amendment to S. B. 206 by adding sec. 4-a, as follows:

Section 4-a. Nothing contained in this Act shall be construed to prevent any farmer, owner or operator of a gas well situated within ten miles of an incorporated town or a pipe line who has offered his gas for sale to such incorporated town or to such pipe line company at the customary price, and such pipe line company refuses to take same, and fails for six months after such notice or offer, to connect up its line with such well and take and pay for such gas at the customary price, from in such event selling his gas wherever he can find a market therefor and for any purpose for which gas may be used. When such a condition arises said gas may be used for any of the purposes herein prohibited, and the penalties herein provided shall not apply.”

Said Amendment was disagreed to.

The yeas and nays being required thereon by Messrs. Park and Ira Smith were as follows, viz.:

Those who voted in the affirmative were—

C. W. Bennett	Ed. A. Gullion	S. R. Powell
Thos. Bowman	J. Edgar Hadden	R. I. Rice
Berl Boyd	R. O. Huntsman	Reuben E. Skaggs
W. R. Button	H. R. Lawrence	Ira D. Smith
Chas. Chandler	R. C. Moore	R. F. Stewart
Lee Clark	S. H. Moore	Frank L. Strange
E. B. Cross	Ed. P. Murrah	H. V. Thompson
J. C. Day	C. D. McCaw	Fred C. Vanhooose
G. Givens Dixon	E. E. Nelson	W. T. Walker
A. W. Dorsey	Geo. W. Newman	W. S. Wallen
Emery L. Frazier	James Park	W. G. Wheeler
Dr. H. M. Fultz	Brodie Payne	J. B. Wicker

Those who voted in the negative were—

Samuel W. Adams	Frank J. Humbert	Arthur Saunders
R. M. Amos	J. T. Jennings	David I. Scott
B. C. Beckmann	Lester Jeter	Lee L. Simons
W. M. Boling	Ira Jones	George W. Smith
Sam A. Cary	Wright Kelly	Geo. F. Thompson
O. A. Denton	Oscar Leibson	H. Q. Thompson
G. Lucien Drury	Leon P. Lewis	D. D. Thornberry
H. C. Duffy	Rufus Lisle	John M. Tinsley
W. D. Duncan	C. C. May	Garnett W. Tolin
George W. Ellis	Harry J. Meyers	N. I. Toombs
W. L. Gossett	Harry B. Miller	Chas. B. Truesdell
Bryant Green	Claude D. Minor	John L. Trumbo
Oscar P. Harvey	B. A. Muster	Oscar Vest
H. C. Hawkins	W. T. McGuire	Geo. C. Waggoner
Thos. O. Holder	D. A. O'Donovan	W. D. Watkins
N. T. Hopkins	Arch M. Quarles	T. C. Willis
David J. Howard	J. L. Richardson	

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Mr. Park offered the following Amendment, viz.:

“An Amendment to S. B. 206 by adding sec. 2-a, as follows:

Section 2-a. That it shall be the duty of each and every company engaged in the receipt, transportation or delivery of natural gas for public consumption to connect with all natural gas wells and at all reasonable times to receive for transportation and delivery an equal proportion from such wells as may be located along its lines and within the ten miles limit from its main lines or lateral lines from which the carbon black plants are prohibited, and to take gas from such wells in equal proportion as the said transportation or operating line is able to utilize the same, using the daily productive quantity of each producing person or company as the basis of proportion of gas to be taken, and to pay the uniform price paid therefor in such field or fields, and for any wilful refusal or failure to connect, transport or deliver such gas

in the manner set out above shall be deemed a misdemeanor and upon conviction punished as hereinafter provided, and shall be further liable to the party or parties damaged or aggrieved by such refusal to connect, receive, transport and deliver such gas.

Said Amendment was disagreed to.

Mr. Frazier offered the following Amendment, viz.:

“Amend S. B. 206 by striking out the numeral (10) in line (8) eight, sec. 1 and substituting in lieu therefor the numeral (5) five.

Said Amendment was disagreed to.

Mr. Ira Smith moved that said bill and Amendment lie on the table.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. Ira Smith and Park were as follows, viz.:

Those who voted in the affirmative were—

C. W. Bennett	H. C. Hawkins	Ira D. Smith
J. F. Bosworth	R. O. Huntsman	R. F. Stewart
Thos. Bowman	H. R. Lawrence	Frank L. Strange
Berl Boyd	S. H. Moore	H. V. Thompson
John E. Brown	Ed. P. Murrah	John M. Tinsley
W. R. Button	C. D. McCaw	Fred C. Vanhoose
Lec Clark	Geo. W. Newman	W. T. Walker
E. B. Cross	James Park	W. S. Wallen
G. Givens Dixon	Brodie Payne	W. G. Wheeler
Emery L. Frazier	S. R. Powell	J. B. Wicker
W. L. Gossett	R. I. Rice	
J. Edgar Hadden	Reuben E. Skaggs	

Those who voted in the negative were—

Samuel W. Adams	David J. Howard	Arch M. Quarles
R. M. Amos	Frank J. Humbert	J. L. Richardson
B. C. Beckmann	J. T. Jennings	Arthur Saunders
W. M. Boling	Lester Jeter	David I. Scott
Sam A. Cary	Wright Kelly	Lee L. Simons
O. A. Denton	S. B. Lane	George W. Smith
A. W. Dorsey	Oscar Leibson	Geo. F. Thompson
G. Lucien Drury	Leon P. Lewis	H. Q. Thompson
H. C. Duffy	Rufus Lisle	D. D. Thornberry
W. D. Duncan	C. C. May	Garnett W. Tolin
George W. Ellis	Harry J. Meyers	N. I. Toombs
Dr. H. M. Fultz	Harry B. Miller	Chas. B. Truesdell
Bryant Green	Claude D. Minor	John L. Trumbo
Ed. A. Gullion	R. C. Moore	Oscar Vest
Arch L. Hamilton	B. A. Muster	Geo. C. Waggoner
Oscar P. Harvey	W. T. McGuire	W. D. Watkins
Thos. O. Holder	E. E. Nelson	T. C. Willis
N. T. Hopkins	D. A. O'Donovan	

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Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Samuel W. Adams	George W. Ellis	Frank J. Humbert
R. M. Amos	Dr. H. M. Fultz	J. T. Jennings
B. C. Beckmann	Bryant Green	Lester Jeter
W. M. Boling	Arch L. Hamilton	Wright Kelly
Sam A. Cary	Oscar P. Harvey	S. B. Lane
O. A. Denton	H. C. Hawkins	Oscar Leibson
A. W. Dorsey	Thos. O. Holder	Leon P. Lewis
G. Lucien Drury	N. T. Hopkins	Rufus Lisle
H. C. Duffy	David J. Howard	C. C. May

Harry J. Meyers	Arthur Saunders	N. I. Toombs
Harry B. Miller	Lee L. Simons	Chas. B. Truesdell
Claude D. Minor	George W. Smith	John L. Trumbo
R. C. Moore	H. V. Thompson	Oscar Vest
B. A. Muster	Geo. F. Thompson	Geo. C. Waggoner
W. T. McGuire	H. Q. Thompson	W. D. Watkins
D. A. O'Donovan	D. D. Thornberry	T. C. Willis
J. L. Richardson	Garnett W. Tolin	

—50

Those who voted in the negative were—

C. W. Bennett	R. O. Huntsman	R. I. Rice
J. F. Bosworth	Ira Jones	Reuben E. Skaggs
Thos. Bowman	H. R. Lawrence	Ira D. Smith
Berl Boyd	S. H. Moore	R. F. Stewart
John E. Brown	Ed. P. Murrah	Frank L. Strange
W. R. Button	C. D. McCaw	S. G. Thornberry
Lee Clark	E. E. Nelson	John M. Tinsley
E. B. Cross	Chas. A. Nelson	Fred C. Vanhoose
J. C. Day	Geo. W. Newman	W. T. Walker
G. Givens Dixon	James Park	W. S. Wallen
W. D. Duncan	Brodie Payne	W. G. Wheeler
Emery L. Frazier	H. Walter Pierce	J. B. Wicker
Ed. A. Gullion	S. R. Powell	
J. Edgar Hadden	Arch M. Quarles	

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Mr. Minor moved that the vote by which said bill was passed be reconsidered and that motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, Mr. Simons reported the following bills with the expression of opinion that they ought to pass, viz.:

S. B. 193. An Act to promote the production of better eggs in Kentucky by regulating the traffic in eggs to prevent fraud and misrepresentation in dealing in eggs, to prevent the sale of eggs unfit for human food, and to fix penalties for violation of the provisions thereof.

S. B. 171. An Act amending and re-enacting sec. 3014, Kentucky Statutes (being sec. 228 of the Act approved July 1, 1893, entitled: "An Act for the government of cities of the first class,") and vesting in the police courts of such cities the power and authority to suspend, or revoke, or to forbid or to provide the conditions of re-issuance, of licenses issued by or under authority of such cities to motor vehicle drivers, chauffeurs, and owners, and to the owners, proprietors, and operators of soft drink establishments.

S. B. 269. An Act establishing a road to run from Garfield, Breckinridge County, Kentucky, via Custer and Dyer to Cecelia, Hardin County, Kentucky, as a state primary road, and designating said project as Project No. —.

S. B. 60. An Act to create the office of comptroller as desired by the voters of the various cities, districts and counties of this Commonwealth, providing for his powers, duties, responsibilities and compensation and penalties for the violation of the provisions thereof by the comptroller or other persons.

S. B. 76. An Act defining and regulating the business of dry cleaning and dyeing in cities of the first and second class and providing for the construction, maintenance and inspection by the State Fire Marshal of dry cleaning and dyeing building and establishments, and providing ways and means for enforcing this Act, and penalties for the violation thereof.

S. B. 274. An Act to amend an Act entitled: "An Act to amend and re-enact sections 3449, 3450, 3451, 3452, 3453, 3454, 3455, 3456, 3457, 3458, 3459 of the Kentucky Statutes relating to the control of public streets, alleys, sidewalks, roads, lanes, avenues, highways and thoroughfares in cities of the third class."

S. B. 282. An Act relating to roads and bridges, amending chapter 17, Acts of the General Assembly of the Commonwealth of Kentucky, 1920.

S. B. 285. An Act amending chapter 17, Acts, 1920, relating to roads and etc.

S. B. 184. An Act to amend and re-enact sec. 2072 of the Kentucky Statutes (Carroll's Edition 1915), chapter 64, Article 1, and concerning the control of adoptions; control of adopted persons or infants; consent by parents or institutions to adoptions; contracts connected with adoptions; and the powers and procedure of circuit courts in such cases.

S. B. 143. An Act relating to roads and bridges, and amending Chapter 17, Acts of the General Assembly of the Commonwealth of Kentucky, 1920, by adding thereto as project No. — extending from Greenville, Muhlenberg County, to Morgantown, Butler County, Kentucky, via Drakesboro, Browder, Innis, Rochester, South Hill, Dunbar to Morgantown, and project No. — extending from Calhoun via Livermore, Hefflin and Hartford, to Rosine.

S. B. 221. An Act to repeal, amend and re-enact Sec. 3637, Kentucky Statutes.

S. B. 178. An Act to protect the title of motor vehicles and trailers within this State; to provide for the issuance of certificates of title and evidence of registration thereof; to regulate purchase and sale or other transfer of ownership; to facilitate the recovery of motor vehicles and trailers stolen or otherwise unlawfully taken; to provide for the regulation and licensing of certain dealers in used and second-hand vehicles as herein defined; to prescribe the powers and duties of the State Tax Commission hereunder; and to provide penalties for violation of the provisions hereof.

S. B. 79. An Act relating generally to the school laws of the State, repealing and re-enacting subsec. 2 of Sec. 4636b of Carroll's 1915 Edition of the Kentucky Statutes relating to degrees and teachers' certificates issued by the State University; and repealing the following sections of the Kentucky Statutes, Carroll's Edition of 1918, to-wit: Section 4535a relating to teachers' certificates conferred by Eastern and Western State Normal Schools; section 4535c-1 relating to teachers' certificates issued by quasi-public Normal Schools; section 4535c-2 describing the persons who may designate the schools entitled to issue such teachers' certificates, and the qualifications of the school.

Said bills were read at length the first time and ordered to be placed on the Calendar.

The House took up for consideration from the Calendar bills of the following titles, viz.:

S. B. 240. An Act to change the name of the Eastern Kentucky Normal School and the name of the Western Kentucky Normal School.

S. B. 181. An Act authorizing cities of the first and second classes to create a City Planning Commission with power to make a survey and plan of the city and of land contiguous or related thereto; to provide for the regulation of the height, area and use of buildings and for zoning of the city and with power to approve the recording of plats and subdivisions of land.

S. B. 281. An Act to amend and re-enact Sec. 1934, Kentucky Statutes, Carroll's 1915 Edition, relating to requisitions for fugitives from justice.

S. B. 73. An Act amending sections twenty (20) and

one hundred and twenty-eight (128) of the Act approved July 1, 1893, entitled, "An Act for the government of cities of the first class;" said sections being designated, respectively, as sections 2728 and 2913, Kentucky Statutes, Carroll's Edition, 1915, and relating to the enactment, in such cities of ordinances imposing fines for misdemeanors, and the imposition of fines and penalties by the Police Courts of such cities.

S. B. 255. An Act to provide, excepting certain cases, for the taking of testimony of witnesses orally in open court in suits in equity in circuit courts other than those of continuous session, etc.

S. B. 203. An Act establishing a road to run from Newcastle, in Henry County, by way of North Pleasureville, Elmburg and Jacksonville to Frankfort, as a State primary road and designating said road as project No. 19A.

S. B. 267. An Act to amend and re-enact sec. 5 of chapter 17 of the Acts of the General Assembly of 1920, entitled: "An Act relating to roads and bridges; creating the Department of State Roads and Highways, providing for officers to administer it and prescribing the powers and duties of such officers; fixing the salary of the State Highway Engineer and prescribing the amount which may be expended by said Department; prescribing laws governing said department and the officers therein; excepting the provision of the Federal law providing that the United States shall assist in the construction of rural post roads and making appropriation for co-operative work with the United States Government; providing for the State's part of the construction of State Aid Roads under the present law; providing for the acceptance of and making binding gifts and donations; establishing and designing a primary system of State Highways and providing for their construction and maintenance; providing for the

obtaining of rights of way and naming cities and towns from which construction shall commence; and repealing subsec. 1, 2, 4, 5, 6 and 7 of Sec. 4356t, Kentucky Statutes, Edition 1915; also repealing sec. 4356u and subsec. 1, 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 25, of Sec. 4356x, Kentucky Statutes, Edition 1915, and the Supplement as Vol. 3, repealing any other Act or Acts in conflict therewith.

S. B. 277. An Act to amend sec. 5, project 32 of chapter 17 of the Acts of the General Assembly 1920, by adding to and extending said project.

S. Res. 33. Joint Resolution asking the State Board of Charities to re-rent a farm.

S. B. 246. An Act to amend and re-enact sec. 11, chapter 69, of the Acts of the General Assembly of 1918, entitled: "An Act to suppress, prevent, control and eradicate communicable diseases in live stock to provide the necessary officers and define their duties and to appropriate funds necessary for its enforcement and repealing Sec. 63A, Article 2, Chapter 5, Carroll's 1915 Edition of the Kentucky Statutes.

S. B. 284. An Act relating to roads and bridges and amending chapter 17, Acts of the General Assembly of 1920, by adding thereto as project No. — extending from Florence to Burlington.

S. B. 280. An Act to provide for a progressive tax on direct and collateral inheritances, and to amend Sec. 4281a of Carroll's Kentucky Statutes, 1915, as amended by an Act entitled: "An Act providing for a progressive tax on direct and collateral inheritances," being Chapter 26 of the Acts of the General Assembly of 1916; and to provide for the distribution of the income from the tax so provided.

Ordered that said bills be read the second time.

The Constitutional provision as to the second reading of said bills at length being dispensed with, they were read the second time by their titles.

Ordered that said bills be placed in the Orders of the Day.

Mr. Meyers moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

TUESDAY, MARCH 14, 1922.

The House was opened with prayer by the Rev. J. Howard Gibbons of the Protestant Episcopal Church of Frankfort.

Mr. Minor moved that the roll call be dispensed with.

Said motion was agreed to.

The reading of the Journal of yesterday's proceedings was dispensed with.

Mr. Minor offered the following Resolution, viz.:

Be it resolved by the House of Representatives, That during the remainder of the Session of 1922 the debate on any bill shall be limited to ten minutes, which time shall be divided between the proponents and opponents of the bill.

Said Resolution was agreed to.

Mr. Bennett moved that Andrew Payne be made special page without pay for the remainder of the Session.

Said motion was agreed to.

A message was received from the Senate announcing that they had passed a bill entitled:

H. B. 368. An Act appropriating money for the operation and maintenance of the various departments, boards, commissions, institutions and agencies of the State Government, except for the legislative and judicial departments of, and except for the common schools, for the fiscal year ending June 30, 1923; designating the funds and sources from which said appropriations are to be paid, and prescribing the manner in which same are to be paid.

Together with the Amendments thereto proposed by the Senate.

Said Amendments are as follows, viz.:

“Amend H. B. 368 by changing the figures in line 15, page 4, section 7, so that same shall be \$1,350,000.00 instead of \$1,250,000.00.”

Further amend said bill as follows:

“Amend Section 7, line 16, by changing the figures \$1,250,000.00 to \$1,350,000.00.”

Further amend said bill as follows:

“Amend H. B. 368 in the Senate, in Section 9, subsection A, line 7, page 4, by substituting the figures \$70,000.00

for \$50,000.00 so that the section when amended will read as follows:

(a) For the purpose of paying salaries, clerical help, traveling expenses, printing, stamps, supplies and all other operating expenses \$70,000.00.”

Further amend said bill as follows:

“Amend Section 29, H. B. 368, line 5, by inserting the figures \$500.00 in lieu of figures \$400.00.”

Mr. Nelson moved that the House unconditionally refuse to concur in said Amendments.

Said motion was agreed to.

Ordered that the Chief Clerk of this House report the action of the House to the Senate, by proper message.

That they had passed a bill which originated in the House entitled:

H. B. 367. An Act appropriating money for the operation and maintenance of the various departments, boards, commissions, institutions and agencies of the State Government, except for the legislative and judicial departments and except for the common schools, for the fiscal year ending June 30, 1924, designating the funds and sources from which said appropriation are to be paid and prescribing the manner in which same are to be paid.

Together with an Amendment thereto proposed by the Senate.

Said Amendment is as follows, viz.:

“Amend H. B. 367 by striking out of lines 15 and 16,

page 4, sec. 7, the figures \$1,250,000.00 and by substituting therefor the figures \$1,350,000.0.”

Mr. Nelson moved that the House do now unconditionally refuse to concur in said Amendments.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 106. An Act to amend and re-enact sec. 53 of chapter 2 of title 4 of the Kentucky Code of Civil Practice.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section fifty-three of chapter two of title four, Carroll's edition of the Kentucky Code of Civil Practice, be and the same is hereby amended by adding subsections two and three herein, so that said section, when amended will read as follows:

Section 53. (Person of Unsound Mind.) If the defendant be of unsound mind the summons must be served on him and on one of the following named persons, if residing in the county, viz.: On his committee; or, if he have no committee, on his father; or, if he have no father, on his guardian; or, if he have no guardian, on his wife; or, if he have no wife, on the person having charge of him; or, if the defendant be a married woman of unsound mind, and her husband be plaintiff in the action, the summons must be served on her and her committee; or, if her husband be not plaintiff in the action, upon her and her committee, if she have one; or, if she have no committee, upon her and her husband:

Provided, 1. That the summons shall not be served upon a person of unsound mind, if he be under charge or treatment of a physician who certifies that, in his opinion, the service would be injurious to such person. Such certificate shall be returned with the summons. (Service of a summons, by delivering a copy of it to the physician having charge of a person of unsound mind, shall have the same effect as a service on the person of unsound mind, if such physician gives a certificate, attested by the officer delivering him the copy, that a personal service would, in his opinion, be injurious to such person of unsound mind.)

2. That in actions brought by the committee of the person of unsound mind against him, as now provided by section 489, subsections four and five of the Civil Code of Practice, summons must only be served upon the person of unsound mind, unless he be confined in an asylum for the insane, when it must be served upon the superintendent thereof.

3. Provided, further, that whereas, many suits have been had heretofore for the sale of a lunatic's land as provided in said Section 489, subsections 4 and 5, Civil Code of Practice, and whereas, much confusion has existed in the manner of bringing the lunatic before the court, all judgments rendered or which may be rendered, when the service has been had in conformity to this enactment, are hereby validated, and shall be held valid.

Whereas, confusion and ambiguity in the law of procedure inevitably causes delay which necessarily in turn often constitutes a source of denial of justice, an emergency is declared to exist and this act shall take effect from its passage and approval by the Governor.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Samuel W. Adams	David J. Howard	S. R. Powell
R. M. Amos	R. O. Huntsman	Arch M. Quarles
B. C. Beckmann	J. T. Jennings	R. I. Rice
C. W. Bennett	Lester Jeter	J. L. Richardson
J. E. Bickett	Ira Jones	Arthur Saunders
W. M. Boling	Wright Kelly	David I. Scott
J. F. Bosworth	S. B. Lane	Lee L. Simons
Thos. Bowman	H. R. Lawrence	Reuben E. Skaggs
Berl Boyd	Oscar Leibson	George W. Smith
John E. Brown	Leon P. Lewis	Ira D. Smith
Sam A. Cary	Martin Light	R. F. Stewart
Lee Clark	Rufus Lisle	Frank L. Strange
F. B. Cross	C. C. May	H. V. Thompson
Bryce Cundiff	Harry B. Miller	Geo. F. Thompson
J. C. Day	Claude D. Minor	S. G. Thornberry
A. W. Dorsey	R. C. Moore	D. D. Thornberry
G. Lucien Drury	S. H. Moore	John M. Tinsley
W. D. Duncan	Ed. P. Murrah	Garnett W. Tolim
George W. Ellis	B. A. Muster	N. I. Toombs
Mrs. M. E. Flannery	C. D. McCaw	John L. Trumbo
Emery L. Frazier	W. T. McGuire	Fred C. Vanhoose
Dr. H. M. Fultz	F. E. Nelson	Oscar Vest
Bryant Green	Geo. W. Newman	Geo. C. Waggoner
Ed. A. Gullion	D. A. O'Donovan	W. T. Walker
J. Edgar Hadden	C. C. Oney	W. S. Wallen
Arch L. Hamilton	James Park	W. D. Watkins
Oscar P. Harvey	Brodie Payne	W. G. Wheeler
H. C. Hawkins	H. Walter Pierce	T. C. Willis

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Resolved that the title thereof be as aforesaid.

Mr. Minor moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 234. An Act to aid in procuring and providing additional land for a site for the national sanatorium and hospital clinic for sick, maimed and disabled soldiers near Dawson Springs in Christian and Hopkins Counties in this Commonwealth, and appropriate the necessary funds therefor.

Said bill is as follows, viz.:

Whereas, a number of patriotic citizens of this Commonwealth conceived the idea of soliciting the National Government to locate one of its sanatoriums and hospital clinics for the care and treatment of the disabled soldiers of the great war, at Dawson Springs in this State, on account of its central location, its beautiful scenery and curative water, and

Whereas, in order to obtain the location of said hospital said citizens pledged to the National Government the donation of five thousand acres of land which was necessary for the grounds, buildings, roads, driveways, orchards, vineyards, pasture and farming lands required in installing and maintaining a sanatorium of the magnitude contemplated. And,

Whereas, the National Government accepted said site and has at the present time completed a modern sanatorium and hospital unit consisting of twenty-two permanent fire-proof buildings, commodiously furnished and equipped with a capacity of five hundred beds, at an aggregate cost of \$3,500,000.00, and

Whereas, said patriotic citizens have at a great cost and sacrifice raised by private subscriptions and donations \$60,000.00, and applied same to the purchase of said hospital site, but have been unable to raise sufficient funds to pay for all of said land, and now lack \$40,000.00 with which to complete payments of the purchase price thereof, so that proper trans-

fers can be made to the National Government without further delay in fulfillment of said pledge, and

Whereas, said national sanatorium is open to receive Kentucky's maimed, sick and disabled soldiers, providing them with medicinal and surgical aid and skill and with sanitary comforts which the State Government is unable to supply, thus relieving the State of a duty and burden which it would be otherwise unable to discharge.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1st. That in order to procure the additional land made necessary for the site of the Federal sanatorium and hospital clinic, with its several units, at Dawson Springs in Christian and Hopkins Counties in this Commonwealth and to enable the citizens who pledged said site to complete the payment of the purchase price thereof, and to effect the immediate transfers to the National Government of the title to the full acreage required and pledged in good faith by them, the sum of forty thousand (\$40,000.00) dollars is hereby appropriated, payable out of any funds not otherwise appropriated for said purpose.

2nd. John J. Craig, Auditor of Public Accounts, is ordered and directed to draw his warrant on the Treasury in favor of W. C. Hanna, Commissioner of Agriculture, for the sum of forty thousand (\$40,000.00) dollars, to be used by him to pay for the remainder of the purchase price due on said hospital site and for no other purpose. W. C. Hanna, Commissioner of Agriculture; I. N. Day, President of the Commercial Bank of Dawson Springs, and W. P. Scott, Ex-Mayor of the City of Dawson Springs, are hereby designated and appointed as a special commission to ascertain the balance due the several land owners and to award the payments, and said commissioners are empowered to do all things necessary to carry out the purpose of this Act, keeping within the appropriation above named.

3rd. Whereas, the unit of twenty-two buildings constituting the Federal sanatorium and hospital clinic are now completed and will be dedicated on February 22, 1922, and whereas the location of the second unit on said site has not yet been determined, but it is imperative that the transfers of titles be made to the National Government immediately so that there may be no delay in the construction of such other buildings as may be desired or necessary in caring for maimed and disabled soldiers within the said hospital zone, an emergency is therefore declared to exist, and this Act shall become effective and the appropriation herein made shall become available upon the passage of this Act and its approval by the Governor.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Samuel W. Adams	Bryce Cundiff	N. T. Hopkins
R. M. Amos	G. Givens Dixon	David J. Howard
B. C. Beckmann	A. W. Dorsey	J. T. Jennings
C. W. Bennett	G. Lucien Drury	Lester Jeter
J. E. Bickett	W. D. Duncan	Ira Jones
W. M. Boling	George W. Ellis	S. B. Lane
J. F. Bosworth	W. L. Gossett	H. R. Lawrence
Thos. Bowman	Bryant Green	Oscar Leibson
John E. Brown	Ed. A. Gullion	Leon P. Lewis
W. R. Button	J. Edgar Hadden	Martin Light
Chas. Chandler	Oscar P. Harvey	C. C. May
E. B. Cross	H. C. Hawkins	Harry B. Miller

Claude D. Minor	Arch M. Quarles	John M. Tinsley
S. H. Moore	R. I. Rice	Garnett W. Tolar
Ed. P. Murrah	J. L. Richardson	N. I. Toombs
B. A. Muster	David I. Scott	Chas. B. Truesdell
C. D. McCaw	Lee L. Simons	John L. Trumbo
W. T. McGuire	Reuben E. Skaggs	Oscar Vest
E. E. Nelson	George W. Smith	Geo. C. Waggoner
Geo. W. Newman	Ira D. Smith	W. T. Walker
D. A. O'Donovan	R. F. Stewart	W. S. Wallen
C. C. Oney	Frank L. Strange	W. D. Watkins
Brodie Payne	H. V. Thompson	W. G. Wheeler
H. Walter Pierce	Geo. F. Thompson	T. C. Willis
S. R. Powell	D. D. Thornberry	

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Resolved that the title thereof be as aforesaid.

Mr. Minor moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 123. An Act to amend and re-enact sec. 1777 of the Kentucky Statutes, Carroll's Edition 1915, relating to Assessors in counties having two hundred thousand (200,000) population, increasing the maximum annual salary to be allowed to Deputy or Assistant Assessors, from fifteen hundred (\$1,500.00) dollars, per annum, to two thousand (\$2,000.00) dollars per annum, and repealing conflicting laws.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. That Section 1777 of the Kentucky Statutes, Carroll's Edition of 1915, relating to assessors in counties having two

hundred thousand (200,000) population, be amended by striking therefrom after the word "provided," the words "fifteen hundred (\$1,500.00) dollars" and inserting in lieu thereof, the words "two thousand (\$2,000.00) dollars," so that said section when amended, will read as follows:

"Section 1777. The clerk of the Court of Appeals, and each assessor, in a county having a population of over two hundred thousand, shall annually, in the month of January, report to the Auditor, under oath, the amount received by him on account of his official duties or position, from all sources during the preceding year, as well as the amount paid out by him for deputies or assistants, giving the amount paid to each and for expenses of his office; and if it shall appear from such statement that any such officer received as compensation on account of his office, from all sources, more than four thousand dollars after the payment of his deputies or assistants and all the expenses of his office, such officer shall, with such statement, pay to the Auditor the amount so received in excess of four thousand dollars, and if any officer shall fail to report as required by this section, he shall be fined not less than one, nor more than five hundred dollars, and, upon conviction, a judgment shall be entered declaring his office vacant. The annual salary of each deputy or assistant assessor shall be fixed by the judge of the county court by an order entered of record, and shall not exceed six hundred dollars per annum: Provided, that in the counties containing a population of two hundred thousand or over, the annual salary of the chief deputy, and each deputy or assistant assessor, transfer clerk and draughtsman shall be fixed by the judge of the county court by an order entered of record, and the salary of the chief deputy shall not exceed twenty-five hundred dollars per annum, and the salaries of the other deputies or assistant assessors and draughtsman shall not exceed two thousand dollars per annum, and the salary of the transfer clerk shall not exceed twelve hundred dollars per

annum: Provided, further, that the total amount allowed for salaries for such assessor, chief deputy, deputy or assistant assessors, draughtsman and transfer clerk, and all other expenses of such office, shall not exceed in the aggregate the compensation now allowed by law to such assessor and his deputies and for the other expenses of his office; a copy of such, as well as a copy of any change made therein, shall be filed with the Auditor by the clerk of the county court, when made. The salaries of the deputies of the clerk of the Court of Appeals shall be fixed by an order of the Court of Appeals, a copy of which order shall be filed with the Auditor by the clerk of said court, when made. If it shall appear from the reports required to be made to the Auditor by the clerk of the Court of Appeals under this section, that the amount earned and received by said clerk on account of his office is not sufficient to pay him four thousand dollars, together with the salaries of his deputies or assistants and the other legitimate expenses of his office, in any year, then said officer may retain out of money earned or received by him on account of his official duties in said office during the year or years following, enough to make up such deficit."

2. All acts and parts of acts in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

B. C. Beckmann	J. F. Bosworth	Chas. Chandler
C. W. Bennett	Thos. Bowman	E. B. Cross
J. E. Bickett	W. R. Button	Bryce Cundiff

G. Givens Dixon	H. R. Lawrence	R. F. Stewart
A. W. Dorsey	Oscar Leibson	Frank L. Strange
G. Lucien Drury	Leon P. Lewis	Geo. F. Thompson
W. D. Duncan	C. C. May	H. Q. Thompson
George W. Ellis	Harry J. Meyers	S. G. Thornberry
Mrs. M. E. Flannery	Claude D. Minor	D. D. Thornberry
Emery L. Frazier	S. H. Moore	John M. Tinsley
Dr. H. M. Fultz	Ed. P. Murrah	Garnett W. Tolim
Bryant Green	E. E. Nelson	N. I. Toombs
Ed. A. Gullion	Geo. W. Newman	Chas. B. Truesdell
J. Edgar Hadden	D. A. O'Donovan	Fred C. Vanhooose
Oscar P. Harvey	C. C. Oney	Geo. C. Waggoner
H. C. Hawkins	James Park	W. T. Walker
N. T. Hopkins	J. L. Richardson	W. S. Wallen
David J. Howard	David I. Scott	W. D. Watkins
R. O. Huntsman	Lee L. Simons	
Ira Jones	Ira D. Smith	

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Those who voted in the negative were—

Wright Kelly Oscar Vest

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Resolved that the title thereof be as aforesaid.

Mr. Minor moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 104. An Act to amend Sec. 4 of Chapter 11 of the Acts of the Extraordinary Session of 1917, being sec. 4019a-10 of the Kentucky Statutes, Carroll's Edition, 1918, being an Act relating to revenue and taxation, providing an annual tax upon property subject to taxation in this State, fixing the rate thereof, distributing said tax to various departments and

State institutions, providing manner and means of assessing and listing corporate property, and shares of stock, designating what classes of property shall be subject to local taxation, fixing time for collecting taxes on omitted personal property in certain cases, requiring record of assignment of evidences of indebtedness secured by mortgages in certain cases, requiring fiduciaries to file inventories of trust property, conferring power on tax authorities to examine books and accounts of fiduciaries, requiring payment of taxes before final discharge, providing an additional tax for recording certain mortgages making failure to pay taxes a bar to enforcement of indebtedness in certain cases, fixing penalties and repealing existing statutes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 4 of Chapter 11 of the Acts of the Extraordinary Session of 1917, being section 4019a-10 of the Kentucky Statutes, Carroll's Edition 1918, be amended by adding to subdivision (2) thereof, the following words:

“Provided that persons, firms or corporations actually engaged in the printing, publication and distribution of a newspaper or newspapers, or operating a job printing plant, shall be deemed to be actually engaged in manufacturing within the meaning of this Act.”

So that said Section when amended will read as follows:

“All property subject to taxation for State purposes as provided in Section 4020, Kentucky Statutes, shall be subject also to taxation in the county, city, school, or other taxing district in which same has a taxable situs, except the following classes of property which shall be subject to taxation for State purposes only:

(1) Farm implements and farm machinery owned by a

person actually engaged in farming and used in his farm operations;

(2) Machinery and products in course of manufacture of persons, firms, or corporations, actually engaged in manufacturing, and their raw material actually on hand at their plants for the purpose of manufacture. Provided that persons, firms or corporations actually engaged in the printing, publication and distribution of a newspaper or newspapers, or operating a job printing plant, shall be deemed to be actually engaged in manufacturing within the meaning of this Act;

(3) Money in hand, notes, bonds, accounts and other credits, whether secured by mortgage, pledge or otherwise, or unsecured. Shares of stock not relieved from assessment under Section 3 of this Act; provided, however, that nothing in this section shall forbid local taxation of franchises of corporations or of the shares of banks, trust companies, of combined banks and trust companies doing business in Kentucky, or domestic life insurance companies.

And provided, further, every State bank and trust company incorporated under the laws of this Commonwealth, and every National bank doing business therein and located in any county, city, town or taxing district in this Commonwealth shall make to the assessing officer of the county, city, town or taxing district a report showing the following facts, to-wit: The name and post-office address of the bank or trust company; the names of the president, cashier and board of directors thereof; the number of shares of stock, and the par and market value of each share; the amount of surplus fund and undivided profits; the amount of its deposits; the amount of cash on hand; the amount of bonds and other securities held by it; the amount loaned on mortgages and the amount of its loans and discounts; the amount of value of all real estate situated in this Commonwealth, held and owned by the bank or trust company on the first day of September of each year; and such other information as may be required. The assessing officer of the county, city, town or taxing district wherein

any trust company, State and National Bank is situated, shall assess the shares of such trust company, State and National bank for taxation for State, county, city, town and taxing district purposes. Each bank and trust company shall be entitled to have deducted from the total valuation placed on its shares by said board the assessed value of its real estate in this State. It shall be the duty of the trust company and banks to list with the county assessor of each county, and with the assessing officer in each city, town and taxing district its real estate and pay taxes thereon to the sheriff and to the collecting officer of each city, town and taxing district, and such officer shall make out and return the assessment to the proper authorities of the county, city, town or taxing district, at the same time and manner as prescribed by law for the return of the assessment of personal property therein.

The equalization, collection, penalties and laws relating thereto, now provided by law for other personal property in the county, city, town or taxing district, shall apply in like manner to the collection of the taxes herein provided for: Any county, city, town or taxing district, not now having the right to collect such taxes by suit, is hereby authorized and empowered so to do. Nothing herein shall be construed to repeal or amend Chapter thirty-three of the Acts of 1904, approved March 18, 1904, entitled, "An Act to amend the revenue laws of the cities of the first class so as to carry into effect the amendment of Section 181 of the present Constitution."

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said

bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Samuel W. Adams	Arch L. Hamilton	R. I. Rice
R. M. Amos	Thos. O. Holder	J. L. Richardson
B. C. Beckmann	R. O. Huntsman	Arthur Saunders
J. F. Bosworth	S. B. Lane	David I. Scott
Berl Boyd	H. R. Lawrence	Lee L. Simons
John E. Brown	Oscar Leibson	Ira D. Smith
W. R. Button	Martin Light	H. V. Thompson
Sam A. Cary	Rufus Lisle	Geo. F. Thompson
Chas. Chandler	C. C. May	H. Q. Thompson
Bryce Cundiff	Harry J. Meyers	John M. Tinsley
A. W. Dorsey	Harry B. Miller	Garnett W. Tolin
H. C. Duffy	Claude D. Minor	Chas. B. Truesdell
W. D. Duncan	E. E. Nelson	John L. Trumbo
George W. Ellis	Chas. A. Nelson	Oscar Vest
Mrs. M. E. Flannery	D. A. O'Donovan	W. S. Wallen
Emery L. Frazier	James Park	W. D. Watkins
Bryant Green	Brodie Payne	
Ed. A. Gullion	H. Walter Pierce	

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Those who voted in the negative were—

C. W. Bennett	H. C. Hawkins	Reuben E. Skaggs
W. M. Boling	N. T. Hopkins	R. F. Stewart
Thos. Bowman	David J. Howard	S. G. Thornberry
E. B. Cross	Wright Kelly	D. D. Thornberry
J. C. Day	Leon P. Lewis	Fred C. Vanhooose
O. A. Denton	R. C. Moore	Geo. C. Waggoner
G. Givens Dixon	S. H. Moore	W. T. Walker
G. Lucien Drury	Ed. P. Murrah	W. G. Wheeler
Dr. H. M. Fultz	C. C. Oney	J. B. Wicker
J. Edgar Hadden	S. R. Powell	
Oscar P. Harvey	Arch M. Quarles	

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Resolved that the title thereof be as aforesaid.

Mr. Minor moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

A message was received from the Governor announcing that he approved and signed a bill which originated in this House entitled:

H. B. 444. An Act to amend Sec. 3 of an Act entitled: "An Act to create the Kentucky Library Commission to define its powers and duties and to provide for its expenses," which Act was approved March 17, 1910.

(For bill see Journal of March 1.)

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 31. An Act authorizing the Fiscal Court in each county having therein a city of the second class, to adopt, provide for and maintain a system of general indexing of the records of all of the real estate in said counties.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. That the Fiscal Court in each County having therein a city of the second class may in its discretion direct that the Clerk of such county shall have made in books prepared for that purpose general indexes of the records of all real estate in said county according to a system approved by the Fiscal Court, and the clerk of such county shall advertise for bids for all the work necessary to install said system under specifications approved by the County Judge and shall with the approval of the Fiscal Court, enter into a contract with the lowest and best bidder for said work, after requiring him to

give bond for the faithful performance of said contract in a sum to be fixed by the Fiscal Court and approved by the County Judge, and when said work shall have been completed to its satisfaction; the Fiscal Court shall direct the payment agreed upon out of the General Fund of the County. When general indexes, such as herein provided for are completed they shall constitute the official indexes and the clerk of the county shall keep up the same by indexing in said general indexes within one month from the time they are lodged for record, and when so indexed the alphabetical cross-index of such instruments need no longer be preserved, and when such records or any part of them become defaced or injured the clerk shall transcribe the same into the new books, which shall be as valid in law as the original record. Provided, however, that in order that such additional indexes may be kept correctly and accurately, the Fiscal Court may employ a competent person to keep said system of indexing and shall pay such person a sum not to exceed twenty-four hundred dollars per annum, out of the General Funds of the County.

2. All acts or parts of acts in conflict herewith are hereby repealed.

Mr. Adams offered the following Amendment, viz.:

“Amend S. B. 31 in House by adding at the end of section 1 the following words:

The act shall not apply to counties having a court house district heretofore established.”

Said Amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of

said bill at length being dispensed with, and the same being engrossed, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Samuel W. Adams	Ed. A. Gullion	Chas. A. Nelson
R. M. Amos	Arch L. Hamilton	Geo. W. Newman
B. C. Beckmann	H. C. Hawkins	C. C. Oney
C. W. Bennett	Thos. O. Holder	James Park
J. E. Bickett	N. T. Hopkins	Brodie Payne
W. M. Boling	David J. Howard	H. Walter Pierce
J. F. Bosworth	R. O. Huntsman	S. R. Powell
Thos. Bowman	J. T. Jennings	J. L. Richardson
Berl Boyd	Lester Jeter	David I. Scott
John E. Brown	Ira Jones	Lee L. Simons
Sam A. Cary	Wright Kelly	Ira D. Smith
Chas. Chandler	H. R. Lawrence	R. F. Stewart
Bryce Cundiff	Oscar Leibson	Geo. F. Thompson
J. C. Day	Leon P. Lewis	H. Q. Thompson
O. A. Denton	Martin Light	John M. Tinsley
A. W. Dorsey	C. C. May	Garnett W. Tolin
G. Lucien Drury	Harry B. Miller	N. I. Toombs
George W. Ellis	S. H. Moore	Chas. B. Truesdell
Mrs. M. E. Flannery	Ed. P. Murrah	W. T. Walker
Emery L. Frazier	W. T. McGuire	W. S. Wallen
Dr. H. M. Fultz	E. E. Nelson	J. B. Wicker

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Resolved that the title thereof be as aforesaid.

Mr. Minor moved that the vote by which said bill was passed be reconsidered and that motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 185. An Act to repeal sections 3915 to 3921 inclusive, Kentucky Statutes, relating to pools, trusts and conspiracies in restraint of trade being Chapter 102, Kentucky Statutes, Carroll's 1915 Edition, and to repeal chapter 50, Acts 1920, sections 1 to 22 inclusive, etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Sections 3915, 3916, 3917, 3918, 3919, 3920 and 3921, Kentucky Statutes (being Chapter 102 Kentucky Statutes, Carroll's 1915 Edition, Acts of the General Assembly 1890) relating to pools, trusts and conspiracies in restraint of trade, and Chapter 50, Acts of the General Assembly of 1920, Sections 1 to 22, inclusive, the title of which is: "An Act for the prevention of pools, trusts, conspiracies and combinations in restraint of trade, and to define same and to prescribe penalties and provide methods for the infliction thereof," be and the same are hereby repealed.

§ 2. And whereas the law relating to pools and trusts in this Commonwealth is in utter confusion and uncertainty, and whereas Sections 3915 to 3921, inclusive, Kentucky Statutes, and Chapter 50, Acts of 1920, which are herein expressly repealed, add to this confusion by setting up a standard or measure of liability at variance with Section 198 of the Constitution, and it is desirable if not imperative that the law on this subject be clarified, and that all uncertainties, as far as possible, be removed, it is therefore expressly provided that this Act of repeal shall become effective and operative on and after its passage and approval by the Governor.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of

said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

R. M. Amos	J. Edgar Hadden	James Park
B. C. Beckmann	Arch L. Hamilton	Brodie Payne
C. W. Bennett	H. C. Hawkins	H. Walter Pierce
J. E. Bickett	N. T. Hopkins	Arch M. Quarles
W. M. Boling	David J. Howard	R. I. Rice
J. F. Bosworth	R. O. Huntsman	Arthur Saunders
Berl Boyd	J. T. Jennings	David I. Scott
John E. Brown	Lester Jeter	Reuben E. Skaggs
W. R. Button	S. B. Lane	George W. Smith
Sam A. Cary	H. R. Lawrence	Ira D. Smith
Chas. Chandler	Oscar Leibson	R. F. Stewart
Lee Clark	Leon P. Lewis	H. V. Thompson
E. B. Cross	Martin Light	Geo. F. Thompson
Bryce Cundiff	Rufus Lisle	S. G. Thornberry
O. A. Denton	Claude D. Minor	D. D. Thornberry
A. W. Dorsey	S. H. Moore	John M. Tinsley
G. Lucien Drury	Ed. P. Murrain	Garnett W. Tolin
H. C. Duffy	B. A. Muster	N. I. Toombs
George W. Ellis	W. T. McGuire	Oscar Vest
Mrs. M. E. Flannery	R. D. McMurtry	Geo. C. Waggoner
Emery L. Frazier	Geo. W. Newman	W. T. Walker
Dr. H. M. Fultz	D. A. O'Donovan	W. D. Watkins
Ed. A. Gullion	C. C. Oney	J. B. Wicker

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There voted in the negative—

Thos. Bowman

—1

Resolved that the title thereof be as aforesaid.

Mr. Minor moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 48. An Act changing the time for holding the session of the Circuit Court in the twenty-sixth circuit court district of Kentucky and providing that regular grand juries be summoned and penal and criminal cases be tried at certain specified terms, unless the court in emergency, otherwise directs.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That so much of Section 965 of Carroll's Kentucky Statutes of 1915 as relates to the Twenty-Sixth Circuit Court District be and the same is hereby amended by striking out the whole of the following portion of said section 965, to-wit:

"Twenty-sixth District—Harlan County, at Harlan, on the first Monday in January, continuing twenty-four juridical days; the first Monday in April and continuing thirty juridical days; the first Monday in September and continuing twenty-four juridical days. Bell County, at Pineville and Middlesboro, as now provided by law, on the first Monday in February and continuing forty-eight juridical days; on the second Monday in May and continuing forty-eight juridical days; on the first Monday in October and continuing sixty juridical days."

And in lieu thereof inserting the following:

"Twenty-sixth District—Bell County, at Pineville and Middlesboro, on the first Monday in January, twenty-four juridical days; fourth Monday in February, eighteen juridical days; second Monday in April, eighteen juridical days; fourth

Monday in May, twenty-four juridical days; second Monday in September, eighteen juridical days; first Monday in November, eighteen juridical days. Harlan County—first Monday in February, eighteen juridical days; third Monday in March, eighteen juridical days; first Monday in May, eighteen juridical days; third Monday in August, eighteen juridical days; first Monday in October, twenty-four juridical days; fourth Monday in November, twenty-four juridical days.”

Grand juries shall be summoned and criminal and penal cases shall be heard only at the terms of court held at Pineville and Middlesboro, Bell County, on the fourth Monday in February, fourth Monday in May, first Monday in November. In Harlan County, at Harlan, at the terms beginning on the third Monday in March, third Monday in August, fourth Monday in November, unless in case of emergency the Court may otherwise direct.”

So that said portion of said section 965 as amended shall read as follows:

“Twenty-sixth District—Bell County, at Pineville and Middlesboro, on the first Monday in January, twenty-four juridical days; fourth Monday in February, eighteen juridical days; second Monday in April, eighteen juridical days; fourth Monday in May, twenty-four juridical days; second Monday in September, eighteen juridical days; first Monday in November, eighteen juridical days. Harlan County—first Monday in February, eighteen juridical days; third Monday in March, eighteen juridical days; first Monday in May, eighteen juridical days; third Monday in August, eighteen juridical days; first Monday in October, twenty-four juridical days; fourth Monday in November, twenty-four juridical days.”

Grand juries shall be summoned and criminal and penal cases shall be heard only at the terms of Court held at Pineville and Middlesboro, Bell County, on the fourth Monday in February, fourth Monday in May, first Monday in November. In Harlan County, at Harlan, at the terms beginning on the

third Monday in March, third Monday in August, fourth Monday in November, unless in case of emergency the Court may otherwise direct."

This act shall take effect on the first day of July, 1922.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Samuel W. Adams	Bryant Green	C. C. Oney
R. M. Amos	Ed. A. Gullion	James Park
B. C. Beckmann	J. Edgar Hadden	Brodie Payne
J. E. Bickett	Arch L. Hamilton	H. Walter Pierce
W. M. Boling	H. C. Hawkins	Arch M. Quarles
J. F. Bosworth	Thos. O. Holder	J. L. Richardson
Thos. Bowman	N. T. Hopkins	Arthur Saunders
Sam A. Cary	David J. Howard	David I. Scott
John E. Brown	R. O. Huntsman	Lee L. Simons
Sam A. Cary	Lester Jeter	H. V. Thompson
Chas. Chandler	Wright Kelly	Geo. F. Thompson
Lee Clark	H. R. Lawrence	H. Q. Thompson
E. B. Cross	Oscar Leibson	D. D. Thornberry
Bryce Cundiff	Leon P. Lewis	John M. Tinsley
J. C. Day	Harry J. Meyers	Garnett W. Tolin
O. A. Denton	Claude D. Minor	N. I. Toombs
A. W. Dorsey	R. C. Moore	Chas. B. Truesdell
G. Lucien Drury	S. H. Moore	W. T. Walker
H. C. Duffy	Ed. P. Murrah	W. S. Wallen
George W. Ellis	W. T. McGuire	J. B. Wicker
Mrs. M. E. Flannery	E. E. Nelson	T. C. Willis
Emery L. Frazier	Chas. A. Nelson	
Dr. H. M. Fultz	D. A. O'Donovan	

Resolved that the title thereof be as aforesaid.

Mr. Minor moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 105. An Act to provide for the employment and utilization of the labor of persons now or hereafter confined in the State Penitentiary or the State Reformatory on conviction of a felony; to prohibit the working or employment of convicts elsewhere than within the State Penitentiary or the State Reformatory, except in the quarrying or mining of road material, and except on State farms for the production of food for the use of the inmates of the institution in which such convicts are confined; to repeal so much of chapter 36 of the Acts of the General Assembly of 1916, and so much of chapter 159 of the Acts of the General Assembly of 1920, as are in conflict with this Act; and to repeal any and all Acts or parts of Acts in conflict with the provisions of this Act.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Persons heretofore convicted of a felony and now under sentence of confinement in the State Penitentiary or the State Reformatory, and all persons hereafter convicted of a felony and sentenced to confinement in the State Penitentiary of the State Reformatory, shall be confined at labor within the walls of the State Penitentiary or Reformatory, and such convicts shall not be elsewhere employed; except, however,

convicts may be employed by the State in quarrying or mining rock or other material used by the State in the construction of roads or bridges, and upon the Capital grounds, but such convicts shall be only so employed when such quarry or mine is enclosed by walls or stockades of sufficient strength and height to safely confine therein the convicts so employed, and except the State Board of Charities and Corrections, or its successor, may employ the convicts on any farm or farms owned or leased by the State for the production of food for the use of the inmates of any institution in which they are confined, and may employ such convicts on the public property of the State located at the seat of government.

The working of convicts in mines and quarries, as herein provided, shall be subject to all the terms and conditions, including the price per day paid therefor, set out in Chapter 159 of the Acts of the General Assembly of 1920.

It shall be the duty of the State Board of Charities and Corrections, or its successors in office, having in mind the welfare of the several institutions under its control and the interests of the Commonwealth, to encourage the employment in every practical and proper way of said inmates in such ways as shall contribute to their physical, mental and moral improvement and to the cost of their maintenance; and to this end the board shall have the authority to utilize the product of such inmate labor in the upkeep or maintenance of the several institutions under its control, or may contract for the sale of the products of such labor. The said Board of Charities and Corrections, or its successors in office, shall have the authority to hire out to a contractor or contractors any or all of the convicts able to perform manual labor, to be worked within the walls of the penitentiaries, upon such terms and conditions as in the judgment of the board it is to the best interest of the Commonwealth and the several institutions. No contract for the leasing of the labor of any or all of the inmates of said institutions, or for the sale of the products of such inmate labor, shall be valid unless approved in writing by the Governor of the Commonwealth.

§ 2. So much of Chapter 36 of the Acts of the General Assembly of 1916, and of Chapter 159 of the Acts of the General Assembly of 1920, and of Chapter 7 of the Acts of the General Assembly of 1920, as are in conflict with the provisions of this act, and so much of any other act or law as may be in conflict with the provision of this act are hereby repealed.

Mr. Ellis offered the following Amendment, viz.:

“Amend S. B. 105 by inserting in the introductory part of said bill after the word trial in the sixth line thereof the words “and the construction and maintenance of public roads of this Commonwealth,” and in the body of said bill after the word “bridges” in line eight the words “and in the building and maintenance the public roads of the Commonwealth,” and after the word “employed” in line 12 the following words “or a sufficient guard in charge to prevent the escape of said convicts,” and add to line 17 after the word “ment;” or elsewhere under proper guard.

Said amendment was disagreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Samuel W. Adams	W. M. Boling	Lee Clark
R. M. Amos	Berl Boyd	E. B. Cross
B. C. Beckmann	Chas. Chandler	Bryce Cundiff

O. A. Denton	S. B. Lane	Lee L. Simons
A. W. Dorsey	H. R. Lawrence	Ira D. Smith
G. Lucien Drury	Oscar Leibson	Frank L. Strange
Mrs. M. E. Flannery	Martin Light	H. V. Thompson
Emery L. Frazier	Harry B. Miller	H. Q. Thompson
W. L. Gossett	W. T. McGuire	S. G. Thornberry
Ed. A. Gullion	E. E. Nelson	D. D. Thornberry
J. Edgar Hadden	Chas. A. Nelson	John M. Tinsley
H. C. Hawkins	Geo. W. Newman	N. I. Toombs
Thos. O. Holder	D. A. O'Donovan	Chas. B. Truesdell
N. T. Hopkins	Brodie Payne	Oscar Vest
David J. Howard	H. Walter Pierce	Geo. C. Waggoner
J. T. Jennings	S. R. Powell	W. T. Walker
Lester Jeter	R. I. Rice	J. B. Wicker
Ira Jones	Arthur Saunders	—53

Those who voted in the negative were—

Thos. Bowman	Dr. H. M. Fultz	R. D. McMurtry
John E. Brown	Oscar P. Harvey	David I. Scott
Sam A. Cary	Wright Kelly	Reuben E. Skaggs
J. C. Day	R. C. Moore	
George W. Ellis	B. A. Muster	—13

Resolved that the title thereof be as aforesaid.

Mr. Minor moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 50. An Act amending that part of Sec. No. nine hundred and sixty-five, Kentucky Statutes, relating to the time for holding courts in the 28th Judicial District.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That that part of section nine hundred and sixty-five, Kentucky Statutes, being a part of an act of the General Assembly of the Commonwealth of Kentucky, chapter eight, page twenty-one, relating to the times for holding court in the 28th Judicial District be, and the same is hereby stricken out and in lieu thereof the following is enacted.

Twenty-eighth District—Clinton County at Albany, first Monday in January and continue twelve juridical days; fourth Monday in April and continue six juridical days; first Monday in September and continue twelve juridical days.

Wayne County at Monticello, third Monday in January and continue eighteen juridical days; first Monday in May and continue eighteen juridical days; third Monday in September and continue twelve juridical days.

Pulaski County at Somerset, second Monday in February and continue thirty-six juridical days; fourth Monday in May and continue twenty-four juridical days; second Monday in October and continue thirty-six juridical days.

Rockcastle County at Mt. Vernon, fourth Monday in March and continue twenty-four juridical days; fourth Monday in June and continue eighteen juridical days; second Monday in December and continue twelve juridical days.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said

bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Samuel W. Adams	Thos. O. Holder	D. A. O'Donovan
B. C. Beckmann	N. T. Hopkins	Brodie Payne
J. E. Bickett	David J. Howard	S. R. Powell
W. M. Boling	R. O. Huntsman	Arch M. Quarles
J. F. Bosworth	Lester Jeter	J. L. Richardson
Thos. Bowman	Wright Kelly	Arthur Saunders
Berl Boyd	S. B. Lane	David I. Scott
Sam A. Cary	H. R. Lawrence	Reuben E. Skaggs
Chas. Chandler	Oscar Leibson	Ira D. Smith
Lee Clark	Leon P. Lewis	H. V. Thompson
F. B. Cross	Martin Light	H. Q. Thompson
Bryce Cundiff	Harry J. Meyers	John M. Tinsley
J. C. Day	Harry B. Miller	Garnett W. Tolin
G. Lucien Drury	Claude D. Minor	N. I. Toombs
George W. Ellis	R. C. Moore	Chas. B. Truesdell
Emery L. Frazier	Ed. P. Murrah	Oscar Vest
Ed. A. Gullion	W. T. McGuire	Geo. C. Waggoner
Arch L. Hamilton	R. D. McMurtry	W. T. Walker
Oscar P. Harvey	E. E. Nelson	J. B. Wicker
H. C. Hawkins	Chas. A. Nelson	T. C. Willis

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Resolved that the title thereof be as aforesaid.

Mr. Minor moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

A message was received from the Senate announcing that they had refused to recede from the amendments proposed by the Senate and adopted two bills which originated in the House entitled:

(H. Bs. 368 and 367.)

(For titles see Journal of today).

And that they had appointed a conference committee composed of Senators Simons, Stoll and Bright and requested that a like committee be appointed in the House to confer with the Senate Committee.

Thereupon the Speaker appointed the following as constituting a conference Committee of the House in the matter of differences between the two Houses, viz.:

Messrs. Drury, C. A. Nelson and Huntsman.

Ordered that the Chief Clerk of the House deliver the record and papers appertaining to the subject of the Conference Committee to said Committee.

Mr. Minor moved that the day's Session of the House be extended indefinitely.

Said motion was agreed to.

Mr. Dorsey of the Committee on Enrollment reported that they had examined and found correctly enrolled resolutions and bills of the following titles, viz.:

S. Res. 25. Resolution to have the name of Gen. John Williams, an honored soldier, inscribed on the State Battle Monument in the Frankfort Cemetery.

S. Res. 19. Resolution asking Congress to maintain Lighthouse at Louisville.

S. Res. 30. Concurrent resolution for the appointment of a commission looking to the acquisition of Mammoth Cave property and such adjacent property as may be deemed de-

sirable by the National Government for National Park purposes.

S. Res. 31. Resolution providing for the payment of expenses of Contestant and Contestee, and others in the matter of Oldham against Wallace pending and decided in the Senate of the Commonwealth of Kentucky.

S. B. 121. An Act to amend Sec. 5 and to repeal Sections 6, 10 and 12 of chapter 100 of the Acts of the General Assembly of 1920, entitled: "An Act to define and prohibit criminal syndicalism and sedition and to prohibit conduct, publications, assemblies and the use of property for the promotion of criminal syndicalism and sedition, prescribing the duties of peace officers and providing penalties."

S. B. 258. An Act to include singing in the curriculum of the Public Schools of the State of Kentucky.

S. B. 220. An Act to amend and re-enact section 5, chapter 17 of the Acts of the General Assembly of 1920, relating to the primary system of State Highways.

S. B. 53. An Act to repeal section 659, Kentucky Statutes, relating to life insurance.

S. B. 206. An Act for the protection and conservation of natural gas, etc.

Thereupon all other business was suspended and said bills and resolutions were read at length and compared in open session and thereupon the Speaker in open session and in the presence of the House affixed his signature thereto.

Ordered that said bills and resolutions be delivered to the Senate.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 46. An Act relating to, and fixing the time when, the question of annexation by any city of the second class of a city of the second, third or fourth class, as provided in Sec. 3050a, Kentucky Statutes, Carroll's Edition, 1915, may again be taken up and submitted to an election after it has been once rejected.

Said bill is as follows, viz.:

§ 1. That if any city of the second class has heretofore taken, or will hereafter take, the necessary steps required by section 3050a, Kentucky Statutes, Carroll's 1915 Edition, in an attempt to annex a city of the second, third or fourth class, and pursuant thereto has caused such question to be submitted to the qualified voters of such second, third or fourth class city, resulting in a defeat or rejection of such question, such city of the second class shall not again take such steps and cause such question to be submitted to the qualified voters of such second, third or fourth class city, within five years after such rejection.

§ 2. All acts or parts of acts in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

R. M. Amos	J. Edgar Hadden	C. C. Oney
B. C. Beckmann	Oscar P. Harvey	James Park
J. E. Bickett	H. C. Hawkins	Brodie Payne
W. M. Boling	N. T. Hopkins	S. R. Powell
J. F. Bosworth	David J. Howard	Arch M. Quarles
Thos. Bowman	Frank J. Humbert	Arthur Saunders
Berl Boyd	R. O. Huntsman	David I. Scott
John E. Brown	Lester Jeter	Lee L. Simons
W. R. Button	Ira Jones	Ira D. Smith
Chas. Chandler	H. R. Lawrence	R. F. Stewart
Bryce Cundiff	Oscar Leibson	H. V. Thompson
J. C. Day	Martin Light	S. G. Thornberry
G. Givens Dixon	C. C. May	John M. Tinsley
A. W. Dorsey	Harry J. Meyers	Garnett W. Tolin
G. Lucien Drury	Claude D. Minor	Chas. B. Truesdell
H. C. Duffy	R. C. Moore	Oscar Vest
W. D. Duncan	S. H. Moore	Geo. C. Waggoner
George W. Ellis	B. A. Muster	W. T. Walker
Mrs. M. E. Flannery	W. T. McGuire	W. S. Wallen
Dr. H. M. Fultz	R. D. McMurtry	J. B. Wicker
Bryant Green	E. E. Nelson	T. C. Willis
Ed. A. Gullion	Chas. A. Nelson	

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Resolved that the title thereof be as aforesaid.

Mr. Minor moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 96. An Act making an appropriation for completing the monument as the birthplace of Jefferson Davis at Fair View, Kentucky.

Said bill is as follows, viz.:

Whereas, "The Jefferson Davis Home Association" owns and has improved the birthplace of Jefferson Davis consisting of a park or tract of nineteen acres of land, more or less, located at Fairview, in Christian and Todd counties, Ky., and has expended a large sum of money in erecting a monument upon said tract with the purpose of presenting said park or tract with the monument and improvements thereon to the Commonwealth of Kentucky; and,

Whereas, the General Assembly of the Commonwealth of Kentucky, by an Act approved March 23, 1920 (Acts 1920, Chapter 97), created a corporation entitled the "Jefferson Davis Memorial" with power, and for the purpose of securing to the Commonwealth of Kentucky, said birthplace of Jefferson Davis with the monument and improvements thereon, as a public park and in commemoration of one of its distinguished sons; and,

Whereas, it will require the sum of fifteen thousand dollars to complete said monument in order that it may be turned over to the Commonwealth of Kentucky in a completed condition; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is hereby appropriated out of the Treasury of the Commonwealth of Kentucky the sum of fifteen thousand dollars to be used for the purpose of completing the unfinished monument on the birthplace of Jefferson Davis in Christian and Todd Counties, Kentucky, consisting of nineteen acres, more or less, now owned by the "Jefferson Davis Home Association."

§ 2. Whenever it shall appear to the Governor of Kentucky that a deed conveying the fee simple title to said park or tract of nineteen acres, more or less, to the "Jefferson Davis Memorial," incorporated, he shall notify the Auditor

of Public Accounts of the Commonwealth of Kentucky of that fact, and thereupon said Auditor shall draw his warrant on the Treasurer of the Commonwealth of Kentucky, payable to the "Jefferson Davis Memorial" for said sum of fifteen thousand dollars which shall be used by said "Jefferson Davis Memorial," incorporated, for the sole purpose of completing said monument and the improvements of said park or tract of nineteen acres, more or less, upon which said monument is situated; and upon delivery of said deed to said "Jefferson Davis Memorial" it shall hold said park or tract of nineteen acres, more or less, together with the monument and the improvements situated thereon, for the use and benefit of the Commonwealth of Kentucky, perpetually.

§ 3. Any portion of said appropriation which may remain unexpended after the completion of said monument and the improvements of said park or tract, shall be returned to the treasury of the Commonwealth of Kentucky.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

R. M. Amos	Bryce Cundiff	Emery L. Frazier
B. C. Beckmann	O. A. Denton	W. L. Gossett
W. M. Boling	G. Givens Dixon	Bryant Green
J. F. Bosworth	A. W. Dorsey	Ed. A. Gullion
Berl Boyd	G. Lucien Drury	J. Edgar Hadden
John E. Brown	H. C. Duffy	Thos. O. Holder
W. R. Button	George W. Ellis	N. T. Hopkins
Chas. Chandler	Mrs. M. E. Flannery	David J. Howard

Lester Jeter	E. E. Nelson	R. F. Stewart
S. B. Lane	Chas. A. Nelson	H. V. Thompson
H. R. Lawrence	Geo. W. Newman	S. G. Thornberry
Oscar Leibson	D. A. O'Donovan	D. D. Thornberry
Martin Light	C. C. Oney	Garnett W. Tolin
Rufus Lisle	Brodie Payne	Chas. B. Truesdell
C. C. May	H. Walter Pierce	Oscar Vest
Harry J. Meyers	Arch M. Quarles	Geo. C. Waggoner
Harry B. Miller	R. I. Rice	W. T. Walker
Claude D. Minor	J. L. Richardson	W. S. Wallen
R. C. Moore	Arthur Saunders	W. D. Watkins
S. H. Moore	David I. Scott	W. G. Wheeler
B. A. Muster	Lee L. Simons	J. B. Wicker
W. T. McGuire	Ira D. Smith	T. C. Willis

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Those who voted in the negative were—

Thos. Bowman	J. T. Jennings	S. R. Powell
R. O. Huntsman	Wright Kelly	Reuben E. Skaggs

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Resolved that the title thereof be as aforesaid.

Mr. Minor moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 239. An Act empowering any University or Normal School which is maintained wholly or in part with funds furnished by the Commonwealth of Kentucky to acquire and condemn land and other property and material.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Any university or normal school which is main-

tained wholly or in part by funds appropriated and payable out of the Treasury of the Commonwealth of Kentucky, is hereby vested with the right and power to acquire additional lands, or other property or material for the purpose of extending its plants and extending its usefulness.

When any such university or normal school is unable to contract or agree with the owner or owners of such land, other property or material necessary for the purposes of such university or normal school, it may proceed to condemn and acquire such land, or other property or material, or so much thereof as may be necessary for the purposes of such university or normal school.

§ 2. All condemnation proceedings herein provided for shall be conducted in the same manner as provided by law for condemning land for railroad purposes.

§ 3. Whereas, it is necessary to immediately acquire land, or other property or material for the purposes set out in Sections 1 and 2 hereof, an emergency is declared to exist, and this Act shall take effect from and after the date of its passage and approval by the Governor.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

R. M. Amos	Chas. Chandler	H. C. Duffy
B. C. Beckmann	Bryce Cundiff	George W. Ellis
Berl Boyd	G. Givens Dixon	Mrs. M. E. Flannery
John E. Brown	A. W. Dorsey	Emery L. Frazier
W. R. Button	G. Lucien Drury	Bryant Green

Ed. A. Gullion	Claude D. Minor	Ira D. Smith
Arch L. Hamilton	R. C. Moore	R. F. Stewart
Thos. O. Holder	S. H. Moore	Geo. F. Thompson
N. T. Hopkins	W. T. McGuire	D. D. Thornberry
David J. Howard	R. D. McMurtry	John M. Tinsley
R. O. Huntsman	E. E. Nelson	Garnett W. Tolin
Lester Jeter	Chas. A. Nelson	Chas. B. Truesdell
S. B. Lane	Geo. W. Newman	John L. Trumbo
H. R. Lawrence	D. A. O'Donovan	Oscar Vest
Oscar Leibson	C. C. Oney	W. T. Walker
Leon P. Lewis	James Park	W. S. Wallen
Martin Light	R. I. Rice	W. D. Watkins
Harry J. Meyers	J. L. Richardson	T. C. Willis
Harry B. Miller	David I. Scott	

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Resolved that the title thereof be as aforesaid.

Mr. Minor moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 7. An Act relating to unlawful carnal knowledge of children under the age of eighteen years, including both sexes, and prescribing and fixing penalties for violations thereof, and amending and re-enacting Sec. 1155, Kentucky Statutes, Carroll, 1915.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 1155, Kentucky Statutes, Carroll's 1915 Edition, be and the same is hereby amended and re-enacted

so that said section when so amended and re-enacted shall read as follows:

Section 1155. Every male person who shall carnally know, with her consent, any female child, not his wife, under the age of eighteen years, and every female person who shall carnally know any male child under the age of eighteen years, not her husband, shall be punished as follows:

(1) When such child is under the age of twelve years, by imprisonment in the State Penitentiary for not less than twenty years nor more than fifty years, or by death, in the discretion of the jury.

(2) When such child is of the age of twelve years and under the age of sixteen years, by imprisonment in the State Penitentiary for not less than five years nor more than twenty years.

(3) When such child is of the age of sixteen years and under the age of eighteen years, by imprisonment in the State Penitentiary for not less than two years nor more than ten years.

(4) Any female under the age of eighteen years and any male under the age of seventeen years, charged with a violation of any of the provisions of this act, shall be dealt with and proceeded against as are other juvenile delinquents; under the provisions of Section 331e, Kentucky Statutes.

Mr. Brown offered the following Amendment, viz.:

“Amend S. B. 7 by adding thereto and immediately following subsec. 4 thereof the following:

Subsec. 5. Any male person of the age of seventeen years and under twenty-one years and any female person of the age of eighteen and under the age of twenty-one convicted of violation of any of the provisions of this Act shall be punished by a fine not exceeding five hundred dollars and not as provided in subsec. 1, 2, 3 and 4 of this Act.

Subsec. 6. When any complaining witness is over the age of sixteen years and the defendant being under the age of twenty-one years, the Court or Jury is authorized to hear testimony in aggravation or mitigation of said charge.

Subsec. 7. Any female under the age of eighteen years and any male under the age of seventeen years, charged with violation of any of the provisions of this Act, may be dealt with and proceeded against as are other juvenile delinquents under the provisions of Sec. 331c, Kentucky Statutes. This Act shall in no way affect sections 1152, 1153, 1154, 1158 of 1214 of Kentucky Statutes.

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Samuel W. Adams	O. A. Denton	Thos. O. Holder
R. M. Amos	G. Givens Dixon	David J. Howard
B. C. Beckmann	A. W. Dorsey	R. O. Huntsman
J. E. Bickett	G. Lucien Drury	J. T. Jennings
W. M. Boling	George W. Ellis	Lester Jeter
J. F. Bosworth	Mrs. M. E. Flannery	Ira Jones
Thos. Bowman	Emery L. Frazier	Wright Kelly
Berl Boyd	Bryant Green	S. B. Lane
John E. Brown	Ed. A. Gullion	H. R. Lawrence
W. R. Button	J. Edgar Hadden	Oscar Leibson
Chas. Chandler	Arch L. Hamilton	Leon P. Lewis
Lee Clark	Oscar P. Harvey	Martin Light
E. B. Cross	H. C. Hawkins	Rufus Lisle

C. C. May	C. C. Oney	H. Q. Thompson
Harry B. Miller	James Park	John M. Tinsley
Claude D. Minor	Brodie Payne	Garnett W. Tolin
R. C. Moore	S. R. Powell	N. I. Toombs
S. H. Moore	Arch M. Quarles	Chas. B. Truesdell
Ed. P. Murrah	R. I. Rice	John L. Trumbo
B. A. Muster	J. L. Richardson	Fred C. Vanhooose
C. D. McCaw	David I. Scott	Oscar Vest
W. T. McGuire	Lee L. Simons	Geo. C. Waggoner
E. E. Nelson	Reuben E. Skaggs	W. T. Walker
Chas. A. Nelson	R. F. Stewart	W. S. Wallen
Geo. W. Newman	H. V. Thompson	W. D. Watkins
D. A. O'Donovan	Geo. F. Thompson	J. B. Wicker

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Those who voted in the negative were—

Bryce Cundiff	Harry J. Meyers	Ira D. Smith
J. C. Day	Arthur Saunders	

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Resolved that the title thereof be as aforesaid.

Mr. Minor moved that the vote by which said bill was passed be reconsidered and that motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had passed bills which originated in this House of the following titles, viz.:

H. B. 87. An Act to amend sec. 3512 of the Kentucky Statutes, subdivision 4, article 5, chapter 89, Kentucky Statutes, relating to the appointment of Special Judges for police courts in cities of the fourth class.

H. Res. 23. Resolution for the benefit of the Ministers of Frankfort.

Ordered that said bill and resolution be delivered to the Enrolling Clerk of this House.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 131. An Act relating to roads and bridges, and amending Chapter 17, Acts of the General Assembly of the Commonwealth of Kentucky, 1920, by adding thereto as Project No. —, extending from Bromley via Sparta to Warsaw.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Chapter 17 of the Acts of the General Assembly of Kentucky of 1920 be amended by adding to, and inserting just after the last named project No.—, on Page 92 thereof, the following:

“Project No. — from Bromley via Sparta to Warsaw.”

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Samuel W. Adams	J. E. Bickett	Berl Boyd
R. M. Amos	W. M. Boling	John E. Brown
B. C. Beckmann	Thos. Bowman	W. R. Button

Chas. Chandler	S. B. Lane	Arch M. Quarles
Lee Clark	H. R. Lawrence	R. I. Rice
E. B. Cross	Leon P. Lewis	David I. Scott
Bryce Cundiff	Martin Light	Lee L. Simons
J. C. Day	Rufus Lisle	Ira D. Smith
A. W. Dorsey	Harry J. Meyers	H. V. Thompson
G. Lucien Drury	S. H. Moore	D. D. Thornberry
George W. Ellis	Ed. P. Murrah	John M. Tinsley
Bryant Green	C. D. McCaw	N. I. Toombs
Ed. A. Gullion	W. T. McGuire	John L. Trumbo
J. Edgar Hadden	R. D. McMurtry	W. T. Walker
Oscar P. Harvey	E. E. Nelson	W. S. Wallen
H. C. Hawkins	Chas. A. Nelson	W. D. Watkins
David J. Howard	James Park	T. C. Willis
Ira Jones	Brodie Payne	
Wright Kelly	S. R. Powell	

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Resolved that the title thereof be as aforesaid.

Mr. Minor moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 115. An Act to amend Sec. 126 of the Civil Code of Practice by providing that in every action for debt a verified allegation shall be made that the debt sued on, theretofore has been listed for taxation in all proper jurisdictions; and without such allegation the action shall be dismissed without prejudice; and that no valid judgment shall be entered for the payment or collection of any such debt.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section One Hundred, Twenty-six (126) of the Civil Code of Practice be amended by adding thereto the following:

5. No action for the recovery of debt, whether or not evidenced by note or other writing, shall be prosecuted in any Court of this Commonwealth without an allegation in the proper pleading, the allegation to be verified by the affidavit of the owner of the debt or by his attorney of record, that the debt sued on has been properly and specifically listed, so that it may be identified, with the assessor or other proper officer, in each and every taxable jurisdiction in which it is taxable; and, further, that it was so listed in each and every annual (or other periodical) assessment made for taxable purposes between the date when this Act becomes effective and the termination of the day on which the action is instituted. Any action instituted without such verified allegation being made in the petition, amended petition, cross-petition or other pleading, shall be dismissed without prejudice by the court on motion of the adverse party; or, in the absence of such motion, the Court, of its own motion, shall so dismiss the action. And the fact that such debt was listed for taxation in every jurisdiction where it is taxable shall be proved, other than by the said affidavit, to the satisfaction of the Court or jury to whom the issue may be submitted, even though that fact be not controverted.

And every judgment rendered in favor of the owner of the debt sued on shall recite that such debt has been listed for taxation as by law required and also as herein provided. However, no such judgment shall in any wise affect any other litigation.

This Act shall not take effect until the thirtieth (30th) day of June, Nineteen Hundred, Twenty-four (1924), but shall be in full force and effect on and after that date.

Mr. Minor moved that said bill lie on the table.

Said motion was agreed to.

And so said bill was rejected.

A message was received from the Governor announcing that he returns to this House, where it originated, without his approval and signature a bill entitled:

H. B. 193. An Act providing for a system of registration of every voter in the Commonwealth of Kentucky; providing for the appointment of officers for the purpose of registering voters of the Commonwealth of Kentucky in every precinct of the State; fixing the time and manner in which the voters of the Commonwealth of Kentucky shall register; providing the manner and means of such registration and prescribing and naming the qualifications of voters in the State of Kentucky; fixing the time a voter shall reside in the State, county and precinct in which he or she votes; naming a board for the purpose of preparing necessary forms, blanks and books for the carrying out of the provisions hereof, providing for the administration of an oath to certain persons registering; fixing the pay of registration officers in each and every precinct; providing for the notifications of voters in each and every precinct of the time and place of sitting of the officers of registration in such precincts; providing for and designating certain days in the year 1922 and annually thereafter when the officers of registration of each and every precinct shall sit for the registering of voters and amending and correcting and purging the list of such precinct; providing penalties for the violation of the law; providing for appeal to the Circuit Court; repealing sec. 1498, 1499, 1501, Sections 1 and 2, chapter 136, Acts of 1918, Kentucky Statutes, Carroll's Edition, and repealing any and all laws in conflict herewith.

Together with his objections to said bill and his reasons therefor.

(For bill see House Journal February 15.)

The objections of the Governor and his reasons therefor are as follows, viz.:

VETO OF HOUSE BILL No. 193.

House Bill No. 193 requires every man and woman in Kentucky to register before they are entitled to vote. It requires that in every precinct in rural communities the men and women, old and young of voting age, shall be required to appear before their neighbors as registration officers and register, giving their name and age and weight, etc., etc., before they can vote at the next election.

The registration laws of the State now in existence apply only in cities, and the registration law has never been extended to villages, nor has it heretofore been sought in any way to extend the operation of the law to the more than two thousand rural voting precincts. There is ample reason for the registration law in cities, where there is a shifting, ever-changing population, but there is absolutely no good reason for the registration of voters living in rural communities. There is not now, and has been no demand for such a law in Kentucky. The thousands of rural voters have in no way requested the passage of such a law. There is not one farmer to-day in ten thousand who would be for this law if he knew it was intended to be passed, and it is very safe to assert that nine out of every ten voters in the county precincts would be opposed to it if they knew about it.

In the ordinary rural precinct there is practically no shifting population. The Judges of every election know every man, woman and child in the precinct, and know whether he has a dog or not and what is the name of the dog. There has been no prostitution of the ballot in rural communities by persons voting who did not have a right to vote, and yet this law, filled with vexatious provisions, requires the registration of every voter in Kentucky. It will place unnecessary hardships on the people. It will cause strife and confusion,

and will doubtless result in political jugglery and jobbery.

There is no demand for this law, there is no need for it. It is not passed at the request of any considerable number of the people of this State. It reflects no wish, will or desire of the people upon whom it places burdens and who must pay for it in the end. It is another law which will make people pay for what they do not want; have not asked for and do not need.

It will serve no good purpose, and in many respects it is pregnant with many evil possibilities, and may produce far more political chicanery than it will prevent. It is one law in which I have never heard one ordinary, every-day man express any interest. It was conceived by a few political minds, who believed that through it a little political advantage could be obtained, and for this little purpose, the people are vexed and compelled to lose their time, waste their energies and pay the bills.

As though in a vision I behold the scene in Kentucky on the first day of registration under this law. There has been no other scene like it since the Children of Israel moved out of Egypt. From one end of Kentucky to the other, in every section of the State, along the country roads, at the ends of the creeks, by by-ways, highways and hedges, along the main thoroughfares, following winding community roads, there will be moving Uncle John and Aunt Mirandy and their sons and sons-in-law and daughters and daughters-in-law, some in wagons, some on horseback or muleback, many walking afoot, the aged man and aged woman riding in a buggy or buckboard or a wagon or a tin lizzy if they are lucky, all sweltering beneath the blistering heat of a July day, all going to give their name and age and weight and height and the color their hair and the shade of their eyes to somebody who had known them all their lives. All of these men and women, all of these citizens wasting their time, kept away from their work and away from their homes, all of them moving like mannikins answer-

ing to the strings, pulled by a few politicians in the Capital at Frankfort.

If this bill becomes a law, I am sincerely convinced, and profoundly hope, that it will prove a boomerang to those who are responsible for its passage. So far as I am concerned, I desire that the people of Kentucky shall know that I disapprove of it in every way, wipe my hands clean of it, and have done all in my power to prevent its imposition upon them.

For these reasons the bill is vetoed.

EDWIN P. MORROW,
Governor of Kentucky.

March 14th, 1922.

Thereupon the House proceeded as provided by the Constitution to reconsider said bill.

After such reconsideration the question was taken upon the passage of said bill, the objections of the Governor and his veto to the contrary notwithstanding, and it was decided in the affirmative.

The yeas and nays being taken on passage of said bill, the objections of the Governor and his veto to the contrary notwithstanding in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Samuel W. Adams	G. Givens Dixon	J. Edgar Hadden
B. C. Beckmann	A. W. Dorsey	Arch L. Hamilton
J. E. Bickett	G. Lucien Drury	H. C. Hawkins
W. M. Boling	H. C. Duffy	David J. Howard
Berl Boyd	George W. Ellis	Lester Jeter
John E. Brown	Mrs. M. E. Flannery	S. B. Lane
W. R. Button	Emery L. Frazier	H. R. Lawrence
Lee Clark	W. L. Gossett	Leon P. Lewis
Bryce Cundiff	Bryant Green	Martin Light
O. A. Denton	Ed. A. Gullion	Rufus Lisle

C. C. May	C. C. Oney	S. G. Thornberry
Harry J. Meyers	Brodie Payne	D. D. Thornberry
Harry B. Miller	H. Walter Pierce	Garnett W. Tolin
Claude D. Minor	R. I. Rice	N. I. Toombs
R. C. Moore	Arthur Saunders	Oscar Vest
S. H. Moore	Lee L. Simons	Geo. C. Waggoner
B. A. Muster	George W. Smith	W. T. Walker
C. D. McCaw	Ira D. Smith	W. S. Wallen
W. T. McGuire	R. F. Stewart	W. D. Watkins
Chas. A. Nelson	Frank L. Strange	W. G. Wheeler
D. A. O'Donovan	H. V. Thompson	T. C. Willis

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Those who voted in the negative were—

R. M. Amos	R. O. Huntsman	J. L. Richardson
J. F. Bosworth	J. T. Jennings	David I. Scott
Thos. Bowman	Ira Jones	Reuben E. Skaggs
Chas. Chandler	Wright Kelly	Geo. F. Thompson
E. B. Cross	Ed. P. Murrah	H. Q. Thompson
J. C. Day	R. D. McMurtry	John M. Tinsley
Dr. H. M. Fultz	E. E. Nelson	Chas. B. Truesdell
Oscar P. Harvey	Geo. W. Newnan	John L. Trumbo
Thos. O. Holder	James Park	Fred C. Vanhooose
N. T. Hopkins	S. R. Powell	

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Ordered that the Chief Clerk of this House deliver said bill with the objections of the Governor thereto to the Senate with the announcement of the action taken thereon by the House of Representatives in order that the Senate may in accordance with the provisions of the Constitution reconsider said bill.

A message was received from the Senate announcing that they had passed a bill which originated in the House entitled:

H. B. 57. An Act further regulating common carriers and prescribing the powers and duties of the Railroad Commission with reference thereto.

Ordered that said bill be delivered to the Enrolling Clerk of this House.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 19. An Act authorizing the Court of Appeals to appoint an additional commission of the Court of Appeals and providing clerical assistance for him.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. The Judges of the Court of Appeals, a majority of them concurring, are hereby authorized to appoint an additional Commissioner of Appeals, who shall hold office at the pleasure of the court and shall discharge such duties as may be assigned him by the Court. The Commissioner must possess the qualifications of a Judge of the Court of Appeals; he shall receive the same salary and be paid in the same way. When the business of the court does not require him, the Court shall terminate the appointment of said commissioner.

2. The judges of the Court of Appeals are hereby empowered to employ clerical assistance for said Commissioner and fix the compensation of same at not exceeding one hundred dollars a month.

3. Whereas, there are now over 700 cases under submission in the Court of Appeals and not decided, and a delay of justice is in many cases a denial of justice, an emergency exists and this act shall take effect from its passage and approval by the Governor.

Mr Gossett offered the following Amendment, viz.:

“Amend S. B. 19, Sec. 1 by adding to the end thereof the following: When there are two Commissioners of the Court one shall be selected from the counties composing the Federal

Court District, known and designated as the Eastern District of Kentucky, and the other from the counties composing the Federal Court District, known and designated as the Western District of Kentucky.”

Said amendment was agreed to.

Mr. Drury moved that the vote by which said amendment was agreed to be reconsidered and that motion lie on the table.

Said last named motion was agreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Samuel W. Adams	W. L. Gossett	Harry J. Meyers
J. F. Bosworth	Bryant Green	Harry B. Miller
Berl Boyd	Ed. A. Gullion	Claude D. Minor
John E. Brown	J. Edgar Hadden	C. D. McCaw
W. R. Button	Arch L. Hamilton	D. A. O'Donovan
Chas. Chandler	H. C. Hawkins	James Park
Lee Clark	N. T. Hopkins	Brodie Payne
Bryce Cundiff	David J. Howard	H. Walter Pierce
G. Givens Dixon	R. O. Huntsman	S. R. Powell
A. W. Dorsey	Ira Jones	David I. Scott
G. Lucien Drury	S. B. Lane	George W. Smith
George W. Ellis	Leon P. Lewis	Ira D. Smith
Mrs. M. E. Flannery	Martin Light	R. F. Stewart
Emery L. Frazier	Rufus Lisle	Frank L. Strange
Dr. H. M. Fultz	C. C. May	H. V. Thompson

Geo. F. Thompson	N. I. Toombs	W. T. Walker
S. G. Thornberry	Chas. B. Truesdell	W. S. Wallen
D. D. Thornberry	Oscar Vest	W. D. Watkins
Garnett W. Tolin	Geo. C. Waggoner	T. C. Willis

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Those who voted in the negative were—

R. M. Amos	J. T. Jennings	E. E. Nelson
W. M. Boling	Lester Jeter	Chas. A. Nelson
Thos. Bowman	Wright Kelly	C. C. Oney
Sam A. Cary	H. R. Lawrence	John M. Tinsley
E. B. Cross	R. C. Moore	John L. Trumbo
J. C. Day	S. H. Moore	Fred C. Vanhoose
O. A. Denton	Ed. P. Murrah	W. G. Wheeler
Oscar P. Harvey	R. D. McMurtry	J. B. Wicker

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Resolved that the title thereof be as aforesaid.

Mr. Minor moved that the vote by which said bill was passed be reconsidered and that motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 10. An Act establishing the Fiscal year of the counties of the Commonwealth of Kentucky.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That, beginning with the 1st day of January, 1923, the fiscal year of each county of the Commonwealth of Kentucky shall begin on the first day of January and end on the 31st day of December of each year.

Mr. Ira D. Smith offered the following Amendment, viz.:

“Amend S. B. 10 as follows: ‘Provided, however, that the current fiscal year of the several counties of the Commonwealth of Kentucky, which will otherwise end on the 30 day of June, 1922, shall be, and it is hereby, extended so that it shall end on the 31 day of December, 1922.’ ”

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Samuel W. Adams	Thos. O. Holder	R. I. Rice
R. M. Amos	N. T. Hopkins	J. L. Richardson
B. C. Beckmann	David J. Howard	Arthur Saunders
W. M. Boling	J. T. Jennings	David I. Scott
John E. Brown	Lester Jeter	Lee L. Simons
Chas. Chandler	Wright Kelly	Reuben E. Skaggs
E. B. Cross	S. B. Lane	George W. Smith
Bryce Cundiff	Leon P. Lewis	Ira D. Smith
J. C. Day	Martin Light	R. F. Stewart
O. A. Denton	Harry B. Miller	Frank L. Strange
G. Givens Dixon	R. C. Moore	H. V. Thompson
A. W. Dorsey	W. T. McGuire	Geo. F. Thompson
George W. Ellis	R. D. McMurtry	S. G. Thornberry
Mrs. M. E. Flannery	E. E. Nelson	D. D. Thornberry
Dr. H. M. Fultz	D. A. O'Donovan	John M. Tinsley
Bryant Green	C. C. Oney	Garnett W. Tolin
Ed. A. Gullion	S. R. Powell	N. I. Toombs
Arch L. Hamilton	Arch M. Quarles	John L. Trumbo

Oscar Vest	W. S. Wallen	J. B. Wicker	
Geo. C. Waggoner	W. D. Watkins	T. C. Willis	
W. T. Walker	W. G. Wheeler		—62

Resolved that the title thereof be as aforesaid.

Mr. Minor moved that the vote by which said bill was passed be reconsidered and that motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 55. An Act to amend, enlarge the powers, and reenact Sec. 553A of the Kentucky Statutes (Act of Mar. 20, 1900), relating to bridges heretofore or hereafter constructed over navigable streams and rivers wholly within the boundary of the State of Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. That it shall be lawful to construct bridges over any navigable river or other navigable water, the navigable portions of which lie wholly within the limits of the State of Kentucky, provided the location and plans thereof have been approved by the chief of engineers and by the Secretary of War, before the construction has commenced.

2. All corporations heretofore or hereafter organized under the laws of this Commonwealth for the purpose of constructing, maintaining and operating a bridge across a river wholly within the boundary of this Commonwealth shall have the rights, powers, privileges and immunities of a body poli-

tic and corporate under the laws of this State, with power to construct, maintain, operate, collect and take reasonable tolls on such bridges and it shall be vested with the right of perpetual succession, and with the right and power to condemn land in this Commonwealth necessary for the constructing, maintaining and operating such bridge, its avenues, approaches and necessary appurtenances; such condemnation to be by proceedings conducted in the manner prescribed by law for the condemnation of lands for railroad and turnpike road purposes.

3. Increase of Capital—Limit of Indebtedness—Mortgages. Such corporation shall have the right to increase its capital stock from time to time to an amount sufficient for the construction and reconstruction of such bridge or bridges, and shall have the right and power to create an indebtedness not exceeding in amount its capital stock and to secure the same by mortgage or otherwise upon its property, rights and franchises.

4. Such corporation may take reasonable tolls, for crossing such bridge or bridges, but it shall be unlawful to demand charge, exact or receive for passage over such bridge, any toll, fare, compensation, reward, or anything of value whatever greater than, or in excess of, the following rates, to-wit:

RATES OF TOLL—SINGLE CROSSING

1. For persons passing over such bridge
on foot five (5) cents
2. For horse with rider ten (10) cents
3. One-horse vehicle empty twenty (20) cents
4. One-horse vehicle loaded twenty-five (25) cents
5. Two-horse vehicle empty thirty-five (35) cents
6. Two-horse vehicle loaded forty-five (45) cents
7. Three-horse vehicle empty forty (40) cents
8. Three-horse vehicle loaded fifty (50) cents
9. Four-horse vehicle empty forty-five (45) cents

10. Four-horse vehicle loaded sixty (60) cents
11. Cattle, horses and mules, per head.....five (5) cents
12. Hogs, sheep and lambs, per head two (2) cents

MACHINES, MOTOR TRUCKS, AUTOMOBILES

13. Steam engines three (3) dollars
14. Additional trailers, each one (1) dollar
15. Truck or bus, one ton or less, capacity,
and driver forty (40) cents
16. Truck or bus, two tons, or over one ton
capacity, and driver sixty (60) cents
17. Truck or bus, five tons over two tons ca-
pacity, and driver one (1) dollar
18. For each additional passenger, same as
foot passenger five (5) cents
19. Motorcycles fifteen (15) cents
20. Automobile and driver twenty-five (25) cents
21. For each additional passenger, same as
foot passenger five (5) cents
22. Hack or omnibus with two horses and
driver twenty-five (25) cents
23. Each additional passenger five (5) cents
24. Buggies in train, each ten (10) cents
- 24½. Buggies in train, each ten (10) cents
25. Engine drawn by two horses fifty (50) cents
26. Engine drawn by four horses one (1) dollar
27. Engine drawn by six horses two (2) dollars
28. Traction engines two and one half (\$2.50) dollars

§ 5. The directors and officers of said bridge companies shall have the right from time to time by publication to fix and exact reasonable tolls on other crossings not specifically named in this act.

Toigether with a Committee Amendments thereto.

1. Amend by inserting in sec. 4, line 8, after the words

“five cents” school children twenty-five tickets, twenty-five cents.

Said amendment was agreed to.

2. Amend Sec. 4 by adding thereto the following language: Provided that the rates of toll herein provided, shall not apply to bridges now constructed in counties containing cities of the second class.

Said amendment was agreed to.

Mr. Powell offered the following amendment, viz.:

“Amend S. B. 55 by striking out the whole of Sec. 4 thereof.”

Said amendment was disagreed to.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, and the same being engrossed, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Samuel W. Adams	A. W. Dorsey	H. R. Lawrence
B. C. Beckmann	George W. Ellis	Leon P. Lewis
W. M. Boling	Mrs. M. E. Flannery	Martin Light
Thos. Bowman	Bryant Green	C. C. May
John E. Brown	Ed. A. Gullion	Harry J. Meyers
W. R. Button	Arch L. Hamilton	Harry B. Miller
Sam A. Cary	David J. Howard	Claude D. Minor
Bryce Cundiff	S. B. Lane	S. H. Moore

C. D. McCaw	Arch M. Quarles	D. D. Thornberry
W. T. McGuire	J. L. Richardson	Garnett W. Tolin
R. D. McMurtry	Arthur Saunders	N. I. Toombs
E. E. Nelson	David I. Scott	Oscar Vest
Geo. W. Newman	Lee L. Simons	Geo. C. Waggoner
D. A. O'Donovan	George W. Smith	W. T. Walker
C. C. Oney	Ira D. Smith	W. S. Wallen
James Park	H. V. Thompson	W. D. Watkins
H. Walter Pierce	S. G. Thornberry	T. C. Willis

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Those who voted in the negative were—

R. M. Amos	J. Edgar Hadden	Reuben E. Skaggs
Chas. Chandler	Oscar P. Harvey	R. F. Stewart
Lee Clark	N. T. Hopkins	Geo. F. Thompson
E. B. Cross	J. T. Jennings	John M. Tinsley
J. C. Day	R. C. Moore	John L. Trumbo
O. A. Denton	Ed. P. Murrah	Fred C. Vanhooose
G. Givens Dixon	Brodie Payne	W. G. Wheeler
W. L. Gossett	S. R. Powell	

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Resolved that the titlethereof be as aforesaid.

Mr. Minor moved that the vote by which said bill was passed be reconsidered and that motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 4. An Act to provide for the elimination of grade crossings on the primary roads of the State; giving the State Highway Commission the power to order the elimination of such crossings and the power to direct the character of crossing to be substituted therefor; providing for appeal to the Franklin Circuit Court from such orders of the State Highway Commission and for appeal from the judgment of the

Franklin Circuit Court to the Court of Appeals; and providing for the method of paying the cost incurred in the elimination of such crossings.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the State Highway Commission of the Commonwealth of Kentucky shall have the power, whenever in its judgment it is necessary for the safety of the traveling public to do so, to order any railroad company, either steam or electric, owning or operating a railroad in this Commonwealth, to eliminate any grade crossing where any of the primary roads of the States cross at grade the railroad tracks of such railroad company, and shall have the power to determine the location of the crossing to be substituted, the grade thereof, and whether it shall pass over or under the railroad track or tracks.

2. Whenever in the judgment of the State Highway Commission it is necessary for the safety of the traveling public that any grade crossing on any of the State primary roads should be eliminated, the said State Highway Commission shall make an order to that effect and furnish a copy thereof by registered mail, to the president of the railroad company affected by such order. Said order shall specify the location of the crossing to be substituted, the grade thereof, and whether it shall pass over or under the railroad tracks of the railroad company affected by such order and also the width of the crossing ordered to be constructed and the angle at which said crossing so constructed shall meet and converge into the roadbed on either side of the railroad tracks.

§ 3. Any railroad company dissatisfied with the order of the State Highway Commission directing the elimination of any grade crossing, as herein provided, may within twenty days after the receipt by the President of said railroad com-

pany of a copy of the order directing the elimination of said grade crossing, appeal from the said order by filing a copy of said order, attested by the Secretary of the State Highway Commission, in the Clerk's Office of the Franklin Circuit Court, together with a statement of the reasons why said order should not be enforced. On the filing of a copy of said order and of said statement, the Circuit Court Clerk shall issue summons thereon in the same manner as summons is issued in ordinary actions in the Circuit Court. The trial of all appeals taken under the provisions of this act shall take precedence of all other civil business in the Franklin Circuit Court, and the witnesses shall be heard orally in Court and the testimony shall be taken down by the Court's official stenographer. On the hearing of said appeal, the Circuit Court shall determine if the work ordered to be done by the State Highway Commission is reasonably necessary for the safety of the traveling public using said primary road, and, if the Court from the evidence finds that the construction of said work is reasonably necessary for the safety of the traveling public using said primary road, it shall enter an order to that effect, and direct that the work shall be done in accordance with the order of the State Highway Commission appealed from. Either the State Highway Commission or the railroad company affected by said order may appeal from the finding of the Franklin Circuit Court in the same manner as appeals are taken in other civil cases except that no appeal bond shall be required; but in all such appeals the record must be filed in the office of the Clerk of the Court of Appeals not later than sixty days after the entry of the judgment in the Franklin Circuit Court. All cases appealed under this act to the Court of Appeals shall be immediately docketed, and the appellant shall file its brief within fifteen days after said appeal is docketed, and the appellee shall file its brief within fifteen days thereafter. Thereupon the case shall be advanced and submitted.

§ 4. Within ninety days after the entry of any order by the State Highway Commission directing a change of any grade crossing, as herein provided, unless an appeal be taken from such order, and, in case of such appeal, within ninety days after the final disposition thereof, the railroad company affected by such order shall prepare and present to the State Highway Commission, for its approval, plans, specifications and estimates of cost for the construction of said crossing ordered to be constructed by the said State Highway Commission, including plans, specifications and estimates of cost of the necessary approaches thereto.

§ 5. Upon the approval of said plans and specifications by the State Highway Commission, the railroad company shall advertise for sealed bids for the construction of said work, and within thirty days after the approval of said plans shall receive and open said bids, after having notified the State Highway Commission of the day on which such bids shall be opened. The work shall be let to the lowest and best bidder, subject to the provisions hereinafter contained. The successful bidder shall be required to commence work within fifteen days after the contract has been awarded to him, and he shall be required to prosecute the work to completion with reasonable diligence.

§ 6. The cost of preparing the plans, specifications and estimates of cost and of advertising for bids shall be paid wholly by the railroad company, but the State Highway Commission shall pay out of the road fund of the State one-half of all of that part of the cost of the work lying within the right of way of the railroad company, including fills and approaches, and the railroad company shall pay the other one-half of the cost of the work lying within the railroad right of way, including fills and approaches. The State Highway Commission shall pay the entire cost of all that part of said work lying beyond the right of way of the railroad company.

§ 7. The State Highway Commission shall have the

authority to order the rejection of any or all bids submitted for the construction of any work ordered to be done under the provisions of this act, and require a re-advertisement for bids, in which event the State Highway Commission shall pay for the cost of re-advertisement out of the State road fund. The State Highway Commission shall further have the power to order the rejection of all bids, and elect to do the work itself, in which event there shall not be charged to the railroad company any sum in excess of that it would have been required to pay had the contract been let to the lowest bidder.

§ 8. In all cases where the work is let by the railroad company on contract, the work shall be done under the general supervision of the State Highway Engineer, and as the work progresses the State shall pay to the railroad, on monthly estimates approved by the State Highway Engineer, its part of the cost of said work; and in cases where the State Highway Commission, as herein provided, elects to do said work the railroad company, as the work progresses, shall pay its part of the cost of said work, on monthly estimates submitted by the State Highway Engineer.

§ 9. All contracts let by the railroad company under the provisions of this act shall have the approval of the State Highway Engineer, in writing, endorsed on said contract.

§ 10. This act shall not be construed to apply to any railroad lines or tracks hereafter constructed and passing across any of the primary roads of this State. In all such cases the State Highway Commission shall determine the character of crossing to be constructed by the railroad company, and the cost of such crossings when so determined shall be paid for by the railroad company.

§ 11. All that part of crossing and approaches constructed under this act, and lying within the right of way of the railroad company, shall, after the construction of same, be maintained at the expense of the railroad company, except that the railroad company shall not be required to keep up the

surface of the roadbed passing along and over said crossings and the approaches thereto.

§ 12. All laws and parts of laws in conflict herewith are hereby repealed.

Mr. Adams offered the following Amendment, viz.:

“Amend by striking out all of Sec. 6, and insert in lieu thereof the following:

6. The cost of preparing the plans, specifications and the estimates of cost and of advertising for bids shall be paid wholly by the railroad company, but the State Highway Commission shall pay out of the road fund for the State one-half of the cost of all that part of the work lying between the right of way lines of the railway company extended across said highway, and the railroad company shall pay the other one-half of the cost of the work lying within said lines. The State Highway Commission shall pay the entire cost of all that part of said work lying beyond said lines.”

“Strike out all of Sec. 11, and insert in lieu thereof the following:

11. All that part of the work constructed under this Act, lying within the right of way of the railroad company, as defined in Sec. 6 hereof, shall, after the construction of same, be maintained at the expense of the railroad company, except that the railroad company shall not be required to keep up the surface of the roadbed of said highway.”

Said Amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of

said bill at length being dispensed with, and the same being engrossed it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Samuel W. Adams	Dr. H. M. Fultz	J. L. Richardson
R. M. Amos	Bryant Green	David I. Scott
B. C. Beckmann	Ed. A. Gullion	Lee L. Simons
J. E. Bickett	N. T. Hopkins	George W. Smith
W. M. Boling	Wright Kelly	Ira D. Smith
J. F. Bosworth	S. B. Lane	R. F. Stewart
Thos. Bowman	H. R. Lawrence	Geo. F. Thompson
John E. Brown	Leon P. Lewis	H. Q. Thompson
W. R. Button	Martin Light	S. G. Thornberry
Sam A. Carv	C. C. May	John M. Tinsley
Chas. Chandler	Harry J. Meyers	Garnett W. Tolin
E. B. Cross	Harry B. Miller	Chas. B. Truesdell
Bryce Cundiff	Claude D. Minor	Geo. C. Waggoner
J. C. Day	S. H. Moore	W. T. Walker
O. A. Denton	C. D. McCaw	W. S. Wallen
G. Givens Dixon	W. T. McGuire	W. D. Watkins
A. W. Dorsey	E. E. Nelson	W. G. Wheeler
George W. Ellis	D. A. O'Donovan	
Mrs. M. E. Flannery	Brodie Payne	

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Those who voted in the negative were—

C. C. Oney	Arthur Saunders
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Resolved that the title thereof be as aforesaid.

Mr. Minor moved that the vote by which said bill was passed be reconsidered and that motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the House

took up for consideration from the Orders of the Day a bill entitled:

S. B. 152. An Act imposing a license tax on each show, exhibition, concert or other performance where a fee is charged or collected, except where such show, exhibition, concert or other performance is given within the grounds of a county or state fair during the period when a fair is being conducted therein, and except where the proceeds of such show, exhibition, concert or other performance is devoted exclusively to religious, benevolent or educational purposes, or for the benefit of the American Legion, and except where such show, exhibition, concert or other performance is in a licensed hall.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. No person, firm or corporation shall give any show, exhibition, concert or other performance where a fee is charged or collected, and not in a licensed hall, until such person, firm or corporation shall have paid to the county court clerk of the county wherein such person, firm or corporation proposes to give such show, exhibition, concert or other performance, a license fee of five dollars for each such show, exhibition, concert or other performance where such a fee is charged or collected; Provided, however, that no such license fee shall be charged where such show, exhibition, concert or other concession is given within the grounds of a county or state fair during the period when a fair is being conducted therein, nor where the proceeds of such show, exhibition, concert or other performance are devoted exclusively to religious, benevolent or educational purposes, or for the benefit of the American Legion.

§ 2. All laws and parts of laws in conflict with this act are hereby repealed.

Mr. Waggoner offered the following Amendment, viz.:

“Amend S. B. 152 by adding after the words “American Legion” the following words “or other organization of former service men” wherever the words “American Legion” occur.

Said Amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, and the same being engrossed, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Samuel W. Adams	S. B. Lane	Lee L. Simons
B. C. Beckmann	Martin Light	George W. Smith
John E. Brown	Rufus Lisle	Ira D. Smith
W. R. Button	C. C. May	H. V. Thompson
G. Givens Dixon	Harry J. Meyers	D. D. Thornberry
A. W. Dorsey	Harry B. Miller	Garnett W. Tolin
G. Lucien Drury	Claude D. Minor	Chas. B. Truesdell
Mrs. M. E. Flannery	B. A. Muster	Oscar Vest
W. L. Gossett	C. D. McCaw	W. T. Walker
Ed. A. Gullion	W. T. McGuire	W. S. Wallen
J. Edgar Hadden	Geo. W. Newman	W. D. Watkins
Arch L. Hamilton	D. A. O'Donovan	W. G. Wheeler
Thos. O. Holder	James Park	J. B. Wicker
David J. Howard	Brodie Payne	T. C. Willis
Lester Jeter	R. I. Rice	
Ira Jones	Arthur Saunders	

Those who voted in the negative were—

R. M. Amos	Dr. H. M. Fultz	H. Walter Pierce
J. E. Bickett	Oscar P. Harvey	S. R. Powell
W. M. Boling	H. C. Hawkins	J. L. Richardson
J. F. Bosworth	N. T. Hopkins	David I. Scott
Thos. Bowman	J. T. Jennings	Reuben E. Skaggs
Berl Boyd	Wright Kelly	R. F. Stewart
Sam A. Cary	H. R. Lawrence	Geo. F. Thompson
Chas. Chandler	Leon P. Lewis	S. G. Thornberry
Lee Clark	R. C. Moore	John M. Tinsley
E. B. Cross	S. H. Moore	N. I. Toombs
J. C. Day	Ed. P. Murrah	Fred C. Vanhooose
O. A. Denton	R. D. McMurtry	Geo. C. Waggoner
H. C. Duffy	E. E. Nelson	
George W. Ellis	C. C. Oney	

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Resolved that the title thereof be as aforesaid.

Mr. Minor moved that the vote by which said bill was passed be reconsidered and that motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had passed bills which originated in this House of the following numbers, viz.:

House Bills 14, 135, 140, 182, 183, 205, 222, 226, 233 290, 300, 310, 335, 346, 347, 365, 370, 391, 405, 417, 422, 423, 425, 427, 430, 443, 451, 452, 454, 256, 467, 468, 460, 461, 476.

Ordered that said bills be delivered to the Enrolling Clerk of this House.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 249. An Act to amend and re-enact sec. 2218 of Kentucky Statutes, as amended and re-enacted by chapter 165 of the Acts of the General Assembly of 1920.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 2218 of Kentucky Statutes, as amended and re-enacted by Chapter 165 of the Acts of the General Assembly of 1920, be, and the same is hereby amended and re-enacted, so that when so amended and re-enacted the same shall read as follows:

“Legal interest shall be at rate of six dollars upon one hundred dollars for one year, and at the same rate for a greater or less sum, and for a longer or shorter time: Provided, however, that any regular Banking Institution, State or National, may charge a minimum sum of one dollar for any loan negotiated at such bank in this Commonwealth: Provided, also, that corporations may contract to pay interest on their bonds or other securities issued with interest coupons, or in registered form, at a rate not exceeding eight dollars upon one hundred dollars for one year, and at the same rate for a greater or less sum, and for a longer or shorter time.”

Mr. Wheeler moved that said bill lie on the table.

Said motion was agreed to.

And so said bill was rejected.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 245. An Act accepting, in behalf of the Commonwealth of Kentucky, from Arch H. Pulliam and others, con-

stituting the Old Kentucky Home Commission, title to the estate near Bardstown, Kentucky, known as "Federal Hill," creating a commission to receive and hold title to said property under the name of "My Old Kentucky Home Commission"; prescribing the qualification of the members of said Commission, prescribing the powers and duties of said Commission, and appropriating money to be used by said commission, for the improvement and maintenance of "Federal Hill."

Said bill is as follows, viz.:

Whereas, the commission appointed by the Governor of the Commonwealth of Kentucky under the provisions of Chapter 198 of the General Assembly of 1920, has purchased by popular subscription the estate known as "Federal Hill," near Bardstown, Kentucky, at which Stephen Collins Foster wrote the immortal song "My Old Kentucky Home," and

Whereas, the said commission so appointed by the Governor desires to present this property to the State of Kentucky in order that it may be preserved as a public memorial, and

Whereas, it is the desire of the General Assembly to accept said property, for and in behalf of the Commonwealth of Kentucky, to be preserved and perpetuated as such a memorial,

Now, therefore, be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Commonwealth of Kentucky hereby accepts title to the said estate known as "Federal Hill," together with all the buildings and appurtenances thereon, including the mansion house, which estate is more particularly described in the deed of conveyance made on the twenty-second day of March, 1921, by and between Mrs. Madge Frost, party of the first part, and Arch H. Pulliam and others, constituting the Old Kentucky Home Commission, party of the

second part, which deed is of record in the office of the clerk of the county court of Nelson County, in Deed Book 88, at Page 580. The said land therein described, together with the buildings and appurtenances thereon, subject to the limitations hereincontained, shall be forever dedicated to the purpose of a memorial.

§ 2. For the purpose of receiving and holding title to the said property for and in behalf of the Commonwealth of Kentucky, and for the purpose of managing and conducting same as a memorial, there is hereby created a commission to be known as "My Old Kentucky Home Commission," which commission shall be a body corporate with power to sue and be sued, contract and be contracted with in its corporate name aforesaid. Said commission shall be composed of the Governor and eight other members, each of whom shall be a resident of the Commonwealth of Kentucky and must be conversant with the history of the Commonwealth. Not more than four of the members of said commission shall be members of the same political party nor of the same religious denomination.

§ 3. Said commission shall be appointed by the Governor. Of the first commission appointed under the provisions of this Act two members shall serve for a period of two years from the date of their appointment, two for a period of four years from the date of their appointment, two for a period of six years from the date of their appointment, and two for a period of eight years, and, thereafter, two commissioners shall be appointed every two years for terms of eight years each, and any commissioner shall be eligible for re-appointment. No member of the commission shall be held to be a public officer by reason of his membership on said commission. Said commission shall serve without compensation and a majority of the said commission shall constitute a quorum to transact business.

§ 4. Said commission shall have power to make by-laws

to employ and discharge persons and employes, and to transact such business and take such steps as may be necessary for the proper and competent direction and maintenance of the "Old Kentucky Home" as a memorial as herein provided for.

§ 5. Said commission shall have power to borrow money for the purpose of providing for the current expenses of the operation of said memorial and to pledge as security therefor any endowment or gift in the possession of the commissioners, other than appropriations made by the State, for the support of said memorial, except that no part of the real estate may be pledged for such purpose, and in no single year shall the commission have the power to borrow more than two thousand dollars.

§ 6. Said commission shall have the power to receive donations and gifts for the improvement or maintenance of the said memorial, and shall have the power to institute an Old Kentucky Home Memorial Association and provide for both life and annual memberships therein, and fix the fees for such memberships, but the fee for life membership in such association shall not exceed twenty-five dollars (\$25.00) and for an annual membership shall not exceed one dollar (\$1.00). All sums received as a result of the payment of membership fees in such association shall be used by the commission for the improvement and maintenance of the said memorial. No member of such Old Kentucky Home Memorial Association shall have any vote or voice in the management of the said memorial but the names of all members of such association shall be kept upon an official register at "My Old Kentucky Home."

§ 7. The Governor shall be ex-officio chairman of the commission, but the commission shall elect one of its own members as vice chairman to act as chairman in the absence of the Governor and one of its members as secretary. The chairman shall have the power to call a meeting of the commission at his pleasure. A majority of the members of the

commission shall have the power to call a meeting of the commission independent of the action of the Governor, but the Governor shall be notified of a call made in this manner. The regular meeting place of the commission shall be at "My Old Kentucky Home" but the commission may hold other meetings elsewhere in the State.

§ 8. There is hereby appropriated to the said "My Old Kentucky Home Commission" out of the general revenues of the State, not otherwise appropriated, the sum of twenty thousand dollars (\$20,000.00). Ten thousand dollars (\$10,000.00) of said sum shall become available immediately upon the date this Act becomes effective, and ten thousand dollars (\$10,000.00) shall become available for use of said commission on July 1, 1923. Said sum of twenty thousand dollars (\$20,000.00) hereby appropriated shall be used by the said commission for the purpose of making such repairs and restoration as in the judgment of the commission may be necessary, and for the purpose of paying the administrative expenses and maintenance of the said memorial up to July 1, 1924, and annually thereafter there is hereby appropriated to the said commission out of the general revenues of the State, not otherwise appropriated, the sum of four thousand dollars (\$4,000.00), to be used by the said commission for the maintenance of the "Old Kentucky Home" as a memorial. The money hereby appropriated shall be paid out only on the warrant of the auditor issued on requisition of the commission.

§ 9. The commission shall elect a treasurer to handle such funds as may come into its hands and he shall deposit all money, coming into his hands as treasurer, in such depositories as may be designated by the commission. The treasurer shall be required to execute bond in a sum of not less than twenty thousand dollars (\$20,000.00), to be approved by the Governor, the premium on said bond to be paid out of the funds belonging to the commission.

§ 10. The appropriation herein provided for shall not be available until good and sufficient deed to the said property, approved by the Attorney General, has been made conveying same to My Old Kentucky Home Commission herein created, which commission shall hold said property for the purposes herein provided.

§ 11. Said commission shall have the power to sell or lease any part of the estate referred to in this Act and devote the proceeds realized from such lease or sale to the improvement and maintenance of the memorial herein provided for, provided that there shall be excepted from any such sale the residence known herein as "My Old Kentucky Home" and at least forty acres of ground surrounding same, said acreage so reserved to be selected by said commission in such a way as to best serve the purposes of the memorial herein provided for. The said commission is hereby authorized to execute deed and convey title to any portion of the property sold under the provisions of this section.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Samuel W. Adams	Thos. Bowman	A. W. Dorsey
R. M. Amos	Berl Boyd	G. Lucien Drury
B. C. Beckmann	W. R. Button	Mrs. M. E. Flannery
J. E. Bickett	Sam A. Cary	Dr. H. M. Fultz
W. M. Boling	J. C. Day	Bryant Green
J. F. Bosworth	G. Givens Dixon	Ed. A. Gullion

J. Edgar Hadden	S. H. Moore	George W. Smith
Arch L. Hamilton	Ed. P. Murrah	Ira D. Smith
Oscar P. Harvey	B. A. Muster	R. F. Stewart
Thos. O. Holder	C. D. McCaw	Geo. F. Thompson
N. T. Hopkins	W. T. McGuire	H. Q. Thompson
David J. Howard	R. D. McMurtry	S. G. Thornberry
R. O. Huntsman	E. E. Nelson	D. D. Thornberry
J. T. Jennings	Geo. W. Newman	John M. Tinsley
Lester Jeter	D. A. O'Donovan	Garnett W. Tolin
Ira Jones	C. C. Oney	N. I. Toombs
Wright Kelly	James Park	Chas. B. Truesdell
S. B. Lane	Brodie Payne	Oscar Vest
H. R. Lawrence	H. Walter Pierce	Geo. C. Waggoner
Leon P. Lewis	S. R. Powell	W. S. Wallen
Rufus Lisle	J. L. Richardson	W. D. Watkins
C. C. May	David I. Scott	W. G. Wheeler
Harry B. Miller	Lee L. Simons	
Claude D. Minor	Reuben E. Skaggs	

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Those who voted in the negative were—

John E. Brown	George W. Ellis	Chas. A. Nelson
Chas. Chandler	W. L. Gossett	Arthur Saunders
Lee Clark	H. C. Hawkins	Frank L. Strange
E. B. Cross	Martin Light	J. B. Wicker
Bryce Cundiff	Rufus Lisle	T. C. Willis
O. A. Denton	R. C. Moore	

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Resolved that the title thereof be as aforesaid.

Mr. Minor moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 212. An Act amending and re-enacting Sec. 584, Kentucky Statutes, Carroll's 1915 Edition, relating to de-

posits in banks, amount to be kept on hand and defining times and demand deposits.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 584, Kentucky Statutes, (Carroll's 1915 Edition), be and the same is hereby amended by eliminating the words twelve per cent, five per cent and fifteen per cent, wherever, same appear in said section, and substituting therefor the words seven per cent, three per cent and ten per cent, so that said section, when amended and re-enacted, will read as follows:

Section 584. Each bank and trust company, organized under the laws of this Commonwealth and authorized by law to receive deposits, shall keep on hand, at all times, at least seven per cent of its total demand deposits and three per cent of its total time and saving deposits; and, in cities which are reserve or central reserve cities, under the act of Congress of December 23, 1913, known as the Federal Reserve Act, at least ten per cent in reserve cities and thirteen per cent in central reserve cities, of its total demand deposits and three per cent of its total time and savings deposits; one-third of which reserve shall be in money and the remainder may be in balances due from other banks and subject to call. Demand deposits, within the meaning of this section, shall comprise all deposits payable within thirty days, and time deposits shall comprise all deposits payable after thirty days and all savings accounts and certificates of deposit which are subject to not less than thirty days' notice before payment. Nothing in this section shall be construed as authorizing to receive deposits or do a banking business any institution not authorized to do so by other provisions of law.

The following resolution was adopted at the twenty-

eighth annual meeting of the Kentucky Bankers Association, September 8, 1920, to-wit:

“Whereas, under existing laws of Kentucky, State Banks are required to maintain larger reserves than National and Federal Reserve Member Banks, while all are subject to exactly the same business requirements and conditions, and

Whereas, It would be a benefit to both the public and State Banks and no burden on or injury to other banks, but an act of equal and deserved justice, if the reserves required of them were the same as those required of National and Federal Reserve Member Banks; Therefore

Be it resolved, That it is the sense of this Convention that the State laws should be so changed as to make the reserves of State Banks the same as those required of National and Federal Reserve Member Banks; and to that end, the officers and Legislative Committee of this Association are hereby directed to use their best efforts and influence at the next session of the Kentucky Legislature.”

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

R. M. Amos	Lee Clark	Oscar P. Harvey
B. C. Beckmann	G. Givens Dixon	H. C. Hawkins
J. E. Bickett	A. W. Dorsey	N. T. Hopkins
W. M. Boling	George W. Ellis	David J. Howard
Berl Boyd	W. L. Gossett	R. O. Huntsman
Sam A. Cary	Ed. A. Gullion	Lester Jeter

S. B. Lane	H. Walter Pierce	Garnett W. Tolin
Leon P. Lewis	J. L. Richardson	N. I. Toombs
Martin Light	David I. Scott	Chas. B. Truesdell
Harry B. Miller	Lee L. Simons	Oscar Vest
Claude D. Minor	George W. Smith	Geo. C. Waggoner
S. H. Moore	R. F. Stewart	W. T. Walker
C. D. McCaw	Frank L. Strange	W. D. Watkins
W. T. McGuire	H. V. Thompson	W. G. Wheeler
E. E. Nelson	Geo. F. Thompson	J. B. Wicker
D. A. O'Donovan	H. Q. Thompson	T. C. Willis
James Park	D. D. Thornberry	
Brodie Payne	John M. Tinsley	

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Those who voted in the negative were—

Chas. Chandler	Thos. O. Holder	S. R. Powell
E. B. Cross	R. C. Moore	
O. A. Denton	C. C. Oney	

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Resolved that the title thereof be as aforesaid.

Mr. Minor moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Dorsey of the Committee on Enrollment reported that they had examined and found correctly enrolled, resolutions and bills of the following titles, viz.:

H. Res. 23. Resolution for the benefit of the Ministers of Frankfort.

H. B. 87. An Act to amend sec. 3512 of the Kentucky Statutes, subdivision 4, article 5, chapter 89, Kentucky Statutes, relating to the appointment of special judges for Police Court in cities of the fourth class.

H. B. 392. An Act to fix and regulate the time of holding the terms of Circuit Courts in the Twentieth Judicial District.

H. Res. 21. Resolution providing for furnishing Kentucky Directories.

Thereupon all other business was suspended, said bills and resolution were read at length and compared in open session and thereupon the Speaker in open session and in the presence of the House affixed his signature thereto.

Ordered that said bills be delivered to the Senate.

After a time the Enrolling Clerk delivered the enrolled an original copy of said bills and resolutions duly signed by the President of the Senate into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said bills and resolutions to the Governor.

After a time the Clerk reported that he had discharged that duty.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 192. An Act to amend Sec. 25, subsections 2, 3, 4, 5, 6, 11, respectively, of chapter 19, Acts of 1916 of the General Assembly of Kentucky approved by the Governor March 15, 1916, which section and sub-sections relate to insurance written on the reciprocal or inter-insurance plan. Said section and sub-sec. as amended and to be amended by this Act are known as Sections 743m-2, 743m-3, 743m-4, 743m-5, 743m-6 and 743m-11, Carroll's Kentucky Statutes, Vol. 3, 1918.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 25, subsection 2 of Chapter 19, page 126, Acts of 1916, section 743m-2, Carroll's Statutes, volume 3, 1918, be amended and re-enacted so that as amended and re-enacted the same shall read as follows:

Section 1. Such contracts may be executed by an attorney in fact herein designated attorney, duly authorized and acting for such subscribers, and such attorney may be a corporation. The office or offices of such attorney may be maintained at such place or places as may be designated by the subscribers in the power of attorney.

That Section 25, subsection 3 of Chapter 19, page 126, Acts of 1916, Section 743m-3, Carroll's Statutes, volume 3, 1918, be amended and re-enacted so that as amended and re-enacted the same shall read as follows:

Section 2. Such attorney shall file with the Insurance Commissioner of this Commonwealth a declaration verified by the oath of such attorney, or when such attorney is a corporation, by the oath of a chief officer thereof, setting forth:

(a) The name of the attorney and the name or designation under which such contracts are to be issued, which name or designation shall not be so similar to any other name or designation theretofore adopted by any attorney or any insurance organization in this Commonwealth as to confuse or deceive.

(b) The kind or kinds of insurance to be effected or exchanged.

(c) A copy of the form of policy contracted or agreement under or by which such insurance is to be effected or exchanged.

(d) A copy of the form of power of attorney or other

authorization of such attorney under or by which such insurance is to be effected or exchanged.

(e) The location of the office or offices from which such contracts or agreements are to be issued.

(f) That except as to the kinds of insurance hereinafter specifically mentioned in this subdivision, applications shall have been made for indemnity upon at least one hundred (100) separate risks aggregating not less than one and one-half million dollars (\$1,500,000.00) represented by executed contracts or bona fide applications to become concurrently effective. In the case of Employers' Liability or Workmen's Compensation Insurance, applications shall have been made for indemnity upon at least one hundred (100) separate risks covering a total annual payroll of not less than two and one-half million dollars (\$2,500,000.00) as represented by executed contracts or bona fide applications to become concurrently effective. In the case of automobile insurance, applications shall have been made for indemnity upon at least 1,000 motor vehicles represented by executed contracts or bona fide applications to become concurrently effected on any or all classes of automobile insurance effective by said subscribers through said attorney.

(g) That there is in the possession of such attorney and available for the payment of losses, assets conforming to the requirements of Section 5 hereof.

(h) A financial statement in form prescribed for the annual statement.

(i) An instrument authorizing service of process as provided for in this act.

That Section 25, subsection 4 of Chapter 19, page 126, Acts of 1916, Section 743m-4, Carroll's Statutes, volume 3, 1918, be amended and re-enacted so that as amended and re-enacted the same shall read as follows:

Concurrently with the filing of the declaration provided for by the terms of subsection three hereof, the attorney shall file with the Insurance Commissioner an instrument in writ-

ing, executed by him for said subscribers, conditioned that upon the issuance of certificate of authority, provided for in subsection ten hereof, service of process may be had upon the Insurance Commissioner in all suits or other proceedings in this Commonwealth arising out of such policies, contracts, agreements or other business of insurance transacted under such license, which service shall be valid and binding upon all subscribers exchanging at any time reciprocal or inter-insurance contracts through such attorney. Three copies of such process shall be served and the Insurance Commissioner shall file one copy, forward one copy to said attorney, and return one copy with his admission of service. Where the principal office of the attorney is located in this Commonwealth service of process may be had upon all subscribers by serving same upon the attorney at said office. Service of process shall not be had upon subscribers or any of them in any suit of other proceeding in this Commonwealth except in the manner provided in this section, and any suit or other proceeding may be begun and prosecuted or defended by them under the name or designation adopted by them. If any attorney shall, without the consent of the other party to any suit or proceeding brought by or against him or any subscriber in any court of this Commonwealth, remove or attempt to remove such suit or proceeding to any Federal court it shall be the duty of the Insurance Commissioner forthwith to revoke all authority and license to such attorney to transact the business of insurance in this Commonwealth.

That Section 25, Subsection 5, Chapter 19, page 126, Acts 1916, Section 743M-5, Carroll's Statutes, Volume 3, 1918, be amended and re-enacted so that as amended and re-enacted the same shall read as follows:

There shall be filed with the Insurance Commissioner of this Commonwealth by such attorney a statement under oath of such attorney, giving, in the case of fire insurance, the maximum amount of indemnity upon any single risk, and such attorney shall whenever and as often as shall be re-

quired, file with the Commissioner of this Commonwealth a verified statement to the effect that he has examined the commercial rating of such subscribers as shown by the reference book of a commercial agency having at least one hundred thousand (100,000) subscribers, and that from such examination or from other information in his possession it appears that no subscriber has assumed on any fire insurance risk an amount greater than ten per cent (10%) of the net worth of such subscriber.

That Section 25, Subsection 6, Chapter 19, page 126, Acts of 1916, Section 743M-6, Carroll's Statutes, Volume 3, 1918, be amended and re-enacted so that as amended and re-enacted the same shall read as follows:

Section 5. That there shall be maintained at all times assets for the payment of losses, cash or securities authorized by the laws of the State in which the principal office of the attorney is located for the investment of similar funds of insurance companies doing the same kind of business, in amount equal to fifty per cent (50%) of the net annual advance premiums or deposits collected and credited to the accounts of subscribers on policies having one year or less to run, and pro rata on those for longer periods; or in lieu thereof, one hundred per cent (100%) of the net unearned premiums or deposits collected and credited to the accounts of subscribers. In addition to the assets previously provided for in this action, there shall also be maintained on deposit at the exchange, a surplus fund in cash or such securities of not less than one hundred thousand dollars (\$100,000.00). Provided, however, that in case of the exchanges writing fire insurance the said surplus fund shall be a sum not less than fifty thousand dollars (\$50,000.00). There shall also be maintained as a claim or loss reserve, cash or such securities, sufficient to discharge all liabilities on all outstanding losses arising under policies issued, same to be calculated in accordance with the laws of the state relating to similar reserves for companies issuing similar risks. If at any time the amounts on hand are

less than the foregoing requirements, the subscribers or their attorney for them shall make up the deficiency. Net premiums or deposits as used in this act shall be construed to mean the advance premiums or deposits made by subscribers after deducting therefrom the amounts specifically provided in subscribers' agreements for expenses. If it appears that the amount of funds required in this section has not been accumulated, then the subscribers or the attorney in fact, for them shall immediately advance such sums as are needed to comply with the provisions of this section, and the funds so advanced shall not be treated as a liability at the exchange and shall not be withdrawn except with the approval of the Insurance Commissioner of the state wherein the exchange is domiciled, and such advances shall be repaid only out of the surplus funds of the exchange.

That Section 25, Subsection 11, Chapter 19, page 126, Acts of 1916, Section 743M-11, Carroll's Statutes, Volume 3, 1918, be amended and re-enacted so that as amended and re-enacted the same shall read as follows:

Such attorney shall pay into the State Treasury the sum of twenty-five dollars (\$25.00) as an annual license fee, and a tax of two per cent (2%) of the gross premiums or deposits collected from Kentucky subscribers during the preceding calendar year, less all amounts returned to subscribers or credited to their accounts as savings; and in addition to the foregoing taxes and fees, such attorney shall pay an annual premium tax of one-half of one per cent of all premiums for fire policies for the support of the Department of Fire Prevention and Rates.

The attorney in fact of all exchanges now authorized to do business in this state shall have six months after this act becomes effective to comply with the provisions of this act.

All acts or parts of acts in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were —

Samuel W. Adams	Lester Jeter	Arthur Saunders
R. M. Amos	H. R. Lawrence	Lee L. Simons
Thos. Bowman	Leon P. Lewis	Reuben E. Skaggs
Berl Boyd	C. C. May	George W. Smith
Sam A. Cary	Harry J. Meyers	R. F. Stewart
Chas. Chandler	Harry B. Miller	H. Q. Thompson
Lee Clark	Claude D. Minor	D. D. Thornberry
E. B. Cross	R. C. Moore	John M. Tinsley
Bryce Cundiff	Ed. P. Murrah	Garnett W. Tolin
J. C. Day	B. A. Muster	N. I. Toombs
A. W. Dorsey	E. E. Nelson	Chas. B. Truesdell
W. D. Duncan	Geo. W. Newman	John L. Trumbo
George W. Ellis	D. A. O'Donovan	Fred C. Vanhooose
Dr. H. M. Fultz	James Park	Oscar Vest
Bryant Green	S. R. Powell	W. T. Walker
J. Edgar Hadden	R. I. Rice	W. S. Wallen
N. T. Hopkins	J. L. Richardson	W. D. Watkins

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Resolved that the title thereof be as aforesaid.

Mr. Minor moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 72. An Act to enable counties containing therein

cities of the first class, and such cities, jointly, to acquire, construct, furnish, equip and maintain tuberculosis hospitals in such counties, for the care, maintenance, and treatment of persons afflicted with tuberculosis, agreeably to the provisions of Sec. 3037-c, Kentucky Statutes, Carroll's Edition of 1915, providing for the creation, in such counties, of a "Board of Tuberculosis Hospitals" and for the maintenance of such hospitals.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. City and county may provide funds for tuberculosis hospital. In order to obtain and provide funds for the acquirement, construction, furnishing and equipment of all necessary buildings, structures, property, and improvements to constitute and to be maintained as, agreeably to the provisions of Section 3037-c, Kentucky Statutes, Carroll's Edition, 1915, a modern and adequate tuberculosis hospital in any county of this Commonwealth which contains therein a city of the first class, any city of the first class may vote, agreeably to the provisions of this act, the bond issue herein provided for; and any such county may, through its Fiscal Court, make the levy or levies of taxes for such purposes, herein provided for.

§ 2. City Bond Issue. In order to provide funds for the purpose indicated in Section 1 hereof, the General Council of any such city of the first class may adopt an ordinance submitting to the voters of such city at the November election, 1922, the question as to whether or not the bonds of the city shall be issued for such purpose. Such ordinance shall provide the date and maturity of such bonds, the rate of interest they shall bear, and the total amount of such bonds; which total shall be Seven Hundred and Fifty Thousand Dollars, (\$750,000). Said ordinance shall also contain the necessary

details in reference to the execution and delivery of said bonds, their denominations, coupons to the annexed, tax to be levied to pay the interest thereon; and same shall also make provision for a sinking fund to retire such bonds at maturity. Such ordinance may be adopted by the General Council, either prior or subsequent to the selection of the plans, as provided for herein, to be used in the acquirement and construction of said hospital buildings, structures, equipment, furnishings, and property—all hereinafter referred to as "hospital."

§ 3. Issuance and Sale of Bonds. If the voters of such city shall duly determine that said bonds shall be issued, such bonds, when so issued, shall be placed under the control of the "Board of Tuberculosis Hospital" (hereinafter referred to as "Board"), created and existing under Section 3037-c, Kentucky Statutes, Carroll's Edition of 1915; and said Board shall determine when, at what price, and how said bonds shall be sold; Provided, however, that such bonds shall not be sold for less than par; and any premium that may be obtained from the sale of such bonds shall constitute a part of the sinking fund for their ultimate retirement. As the said bonds are sold, their proceeds shall go to the credit of the Board in the same depositories which are selected for the deposit of the funds received or held by the Commissioners of the Sinking Fund of such city, and upon the same agreement as to interest; and shall be withdrawn only upon the checks of the secretary and treasurer of the Board, countersigned in such manner, and accompanied by such vouchers, as may be prescribed by the regulations to be adopted by the Board.

§ 4. Power to Borrow Money. All disbursements of the Board, including compensation of its officers, agents, and others employed by it, shall come out of the proceeds of the sale of said bonds; Provided, however, that the Board shall have the right to borrow enough money to defray the liabilities incurred by it up to the time it shall receive such proceeds, and shall discharge such liabilities out of such pro-

ceeds if said bond issue be voted; or, in the event that the voters of said city shall reject said ordinance and defeat said bond issue, then such city and county shall be jointly responsible for the payment of all money thus borrowed.

§ 5. Board to Make Examination of Methods of Construction, Etc. It shall be the duty of the Board to make such detailed and careful study and examinations of the method of constructing, furnishing and equipping public tuberculosis hospitals as may enable the Board to determine the best plan of constructing, furnishing and equipping a public tuberculosis hospital as will fully answer the needs of said city and county for which it is to be constructed and maintained, taking into consideration all features of ventilation, heating, lighting, sewerage, furnishings and equipment; and also, the probable increased or future needs for the treatment of tubercular patients of said city and county. The Board shall have the power to employ one or more architects to submit plans for the construction of said hospital, and the furnishing and equipment of same, together or separately, and to attend to the carrying out of the same, and to pay a reasonable compensation therefor; but no compensation shall be paid any such architect until, or unless, the bonds herein provided for are duly voted by said city, and the proceeds therefrom become available for the purposes contemplated by this Act.

§ 6. Secretary—Treasurer—Superintendent of Construction, Etc. Said Board shall elect by a majority vote, a secretary and treasurer, not a member of the Board, who shall hold the combined office at the pleasure of a majority of the Board, and shall receive a salary to be fixed by the Board, not to exceed Two Thousand Dollars (\$2,000) per annum, to be paid by the Board as a part of the expenditures provided for under this Act. The Board, by a like vote, (but not until, or unless, the bonds provided for herein shall be duly voted) shall elect a superintendent of construction. The superintendent of construction must be a draughtsman, experienced

and familiar with fireproof construction and the erection of large buildings and other mechanical equipment; and also experienced in preparing, reading and executing architects' plans and specifications. He shall give his entire attention to the affairs of the Board as prescribed for him hereunder by the Board, and he shall receive, as compensation, a salary to be fixed and paid by the Board as a part of the expenditures provided for by this Act, not exceeding Four Thousand Dollars (\$4,000) per annum; and he shall be removable at the pleasure of a majority of the Board. The members of said Board shall receive no compensation for their services, but shall be allowed their expenses when traveling on business of the Board.

§ 7. Bonds by Officers. The president or chairman, and the secretary and treasurer of the Board, and the superintendent of construction, selected by the Board to superintend the construction of said hospital, shall each give bond, with approved surety, in such sum as may be fixed by the Board; and each such bond shall be payable to said Board, and shall oblige the person executing and making same to faithfully perform the duties of his office hereunder, and to faithfully account for and pay over all money or other things of value which may come into his hands as may be required by law. The premiums for said bonds shall be paid by the Board, and accounted for as expenses in the construction of said hospital.

§ 8. Reports of Plans to be Made. When the Board shall have determined upon the general plan for the construction, furnishing, and equipment of said hospital which, in its judgment, will prove to be the most expedient and advantageous for the purposes required, it shall report such plan, as well as any other proposed plans, as it may deem expedient, to the Mayor of said city, giving a description of the general method of the construction, furnishing, and equipment of said hospital, under each plan, and the probable cost of carrying out each plan. Thereupon, the Mayor shall lay this report before the General Council, and the plan recommended by the

Board shall be adopted and carried out by the Board, unless the plan recommended by the Board shall, within thirty days after it has been received by the General Council, be rejected and disapproved by a two-thirds vote of all the members of each body of the General Council, each of such bodies sitting separately. If said plan so recommended by the Board be so rejected by the General Council, then, at any time within thirty days thereafter, one or the other of the alternative plans presented as aforesaid to the General Council may be considered by it, and of these alternative plans the one shall finally be adopted which shall be approved by a two-thirds vote of all the members of each body of the General Council, each of said bodies sitting separately; and if none of the plans thus submitted receives the necessary two-thirds vote of the General Council within thirty days after the one recommended by the said Board has been rejected, as aforesaid, then said Board, with the approval of the Mayor and the Fiscal Court of said County, shall have the right to choose a plan for said work, and to fully effectuate and carry out same agreeably to the provisions of this act. The General Council shall have no power to vary any plan proposed or presented by said Board, but in adopting one of those so reported, must adopt same in its entirety.

§ 9. General Powers of Board. Said Board shall have full power and authority to carry out the purposes of this Act—among which powers shall be the following, to-wit:

(a) To make all such preliminary investigations, and to do all such preliminary work, as should, in its judgment, precede the actual construction of said hospital.

(b) To determine upon a proper site for such hospital; Provided, however that where there is now established and maintained in any county affected by this Act a tuberculosis hospital for the joint use and benefit of any such county and city, agreeably to the provisions of said Section 3037-c, Kentucky Statutes, that site as it exists, or as may be enlarged by the acquisition of such adjacent property as may be recom-

mended by said Board, shall be used (together with any existing structures, furnishings, and equipment considered adequate or available for such hospital purposes), unless the Board shall unanimously determine that such site is unsuitable for the purpose, and shall recommend to the Mayor the acquisition of another site. In the event of such recommendation, the Mayor shall lay the matter before the General Council of such city, and the Fiscal Court of such county, which shall approve or disapprove the recommendation of the Board as to such change of site, and only upon the approval of such change by resolution duly adopted by both bodies of the General Council and approved by the Mayor, and likewise upon the like approval of such change by said Fiscal Court, shall a new site be adopted. In the event a new site is acquired and used, the proceeds of the sale of the old site shall be applied to the payment of the new site; and for the purpose of acquiring such new site, said Board shall have the right to sell the old site upon such terms as may be jointly approved by the Mayor of said city and by the Fiscal Court of said county.

(c) To provide accommodations for patients of any such existing public tuberculosis hospital while the construction of the new hospital and the furnishing of same is proceeding; Provided, however, that the General Council of said city, and the Fiscal Court of such county may, out of their respective levies, for charitable institutions, or for similar purposes, jointly assume the whole, or part, of the expense providing such temporary accommodations, in the same ratio of their respective contributions made agreeably to law for the regular maintenance of said institution; and in case the expense of providing such temporary accommodations are thus provided, the funds accruing under, and by virtue of, the provision of the Act for the construction, furnishing and equipment of said hospital shall be relieved.

(d) In addition to the selection of officers provided for in this Act, the Board may also appoint or employ such other

professional or technical experts, and such agents, assistants, clerks, employes, laborers, skilled or unskilled, of all kinds, as it may deem requisite for the due and proper execution of the duties developed upon it by this Act; and may fix their respective compensations, and may remove or discharge them at pleasure, and may require of any of its officers or employes such indemnity or other bonds for the proper performance of their respective duties, as it may deem proper.

(e) To establish and enforce such reasonable rules and regulations for its own government, and for the supervision, protection, management and conduct of its work under the provisions of this Act, and the payment therefor, as it may deem advisable or expedient.

(f) To make or enter into, in its name, any and all contracts, agreements, or stipulations, germane to the scope of its duties and powers under this Act.

(g) To purchase, hire or otherwise obtain the use of all such lands, buildings, machinery, tools, implements, appliances, materials and working agencies as it may need for the purposes indicated in this Act.

Provided, however, that this enumeration of special powers in the subdivisions of this section, shall not be construed as restricting, in any degree, the scope of the general powers elsewhere herein, or already by law, are conferred upon said Board.

§ 10. Board may Acquire Property—Condemnation Proceedings. Said Board may acquire, by gift, purchase or lease, or by condemnation, any land, or other property, situated wholly within the county where such hospital is located, or where the Board has duly determined to locate same; or any interest, franchise, easement, right, or privilege therein which may be required for the purpose of constructing, furnishing, equipping and maintaining such hospital. In all cases where condemnation proceedings become necessary, the same shall be conducted in the name of said Board, under procedure generally similar to that prescribed by Section 2852, Ken-

tucky Statutes, for the condemnation of property for park purposes for cities of the first class. All property acquired by the Board shall be held, used, and controlled by it for the purposes named in this Act.

§ 11. Contracts—Bids. All work to be done, and the purchase of all supplies, material and equipment required to carry out the purposes of this Act, when involving an expenditure of Five Hundred Dollars (\$500.00), or more, shall be by contract, awarded to the best and lowest bidder; but the Board, with the consent of a majority of all of its members, may itself do any part or parts, of such work, under such conditions as it may prescribe, by day labor, whenever the superintendent of construction shall recommend that such course be pursued. The Board shall have the right to reject any bid or bids, or any parts thereof, for the performance of any work, or the furnishing of any supplies, material, or equipment required under the provisions of this Act. This section shall not be applied, nor construed, so as to limit the power of the Board in the employment of architects, employes, clerks, or agents, nor to the renting of grounds or buildings for the accommodations of patients while such hospital is being constructed, furnished, and equipped.

§ 12. Tax Levy by County for Construction, Furnishing, and Equipment of Hospital. In any county containing therein a city of the first class wherein there shall be voted (in such city), for the purposes of this Act, the bond issue herein provided for, upon such bond issue being so voted, the Fiscal Court of such county, for the purpose of raising county funds to be added to, and to be used with, those derived, and to be derived, from the sale of such bonds so issued, and to be issued, by such city, for the purposes aforesaid—is hereby authorized and empowered to levy, within and for each of the four fiscal years of such county next ensuing after the voting of such bond issue, a tax levy not exceeding five cents on each one hundred dollars of taxable property in said county; and thereafter said Fiscal Court may, in like manner, and for the

like purpose, if it deems such action necessary or desirable, make the like levy, for the like purposes, within and for any succeeding fiscal years of such county. Each levy of county taxes herein provided for must be made within and for the fiscal year affected, and no such levy shall be made in one fiscal year for any future fiscal year or years. Neither shall any such levy be made in any fiscal year of such county except within the constitutional and statutory limitations now in force and applicable to the levy and collection of county taxes in this Commonwealth. All funds derived by the county tax levies authorized by this section, shall be collected in the usual way, and shall be promptly turned over to the aforesaid Board to be expended by it for the purposes of this Act; and said Board shall in all respects receive, disburse, and handle the funds so raised by such county levy and taxation, agreeably to the provisions of this Act, in the same manner as it is directed to receive, disburse, and handle funds raised hereunder through the issuance and sale of the aforesaid bonds. Also, all of the general provisions of this Act in regard to officers and employes, and the construction, furnishing and equipment of said hospital, shall apply, alike to the funds derived from the sale of the aforesaid bonds, and from the county tax levies provided for by this section.

§ 13. Act Not to Interfere with Existing Board, Etc. Nothing in this Act shall be construed as interfering with, or abridging, the regular duties and powers of any "Board of Tuberculosis Hospital," already created and acting under the provisions of Section 3037-c, Kentucky Statutes; but any such existing Board is hereby authorized, empowered and directed to discharge the duties imposed by this Act; and whenever the work of acquiring, constructing, furnishing or furnishing and equipping said hospital as herein provided for, is fully completed, the special powers of said Board herein conferred for the purposes of carrying out the provisions of this Act, shall cease. At the conclusion of said work, all property, real, personal, and mixed, franchises, easements, maps, books,

plans and papers, however acquired by said Board under the provisions of this Act, shall be held and used by the said Board for the purposes of such joint city and county tuberculosis hospital agreeably to Section 3037-c, Kentucky Statutes, and any acts amendatory thereto; and said hospital shall be, and remain, under the supervision of said Board, and shall be maintained for the purposes named in Section 3037-c, Kentucky Statutes, and of acts amendatory thereto.

§ 14. Board May Receive Gifts and Donations. Said Board is hereby empowered and authorized to receive any gifts or donations of money, securities, lands, buildings, or other property to be used in supplementing the fund to be derived under the provisions of this Act for the purposes herein set forth, and to take a title in itself for all such gifts or donations; and to use same in the most advantageous way, as its discretion may determine, for the purposes named in this Act; provided, however, the acceptance of any gifts or donations shall be wholly within the discretion of said Board.

§ 15. Valid Claims for Damage—How Paid. The Board shall pay out of the funds derived under the provisions of this Act all valid claims, if any, for damages, or otherwise, which may be preferred against it; and neither said city nor said county shall be liable for any debt which said board may incur, or for any claim for damages which may be asserted or awarded against said Board.

§ 16. Special Powers of Board to Cease if Bond Issue Defeated. In the event the voters of said city, under the aforesaid submission ordinance, shall defeat the said bond issue, then, on the first day of January, 1923, the special powers conferred on said Board by this Act, shall cease.

§ 17. Inconsistent Provisions of Sections 1872 and 1881, Kentucky Statutes, Repealed. So much of Sections 1872 to 1881, inclusive, Kentucky Statutes, Carroll's Edition of 1915, providing for the voting and issuance of county bonds for the purpose of providing funds for the erection and repair of public county buildings, which may be inconsistent, or in con-

flict, with the provisions of this Act, are hereby repealed; but to no further extent whatsoever.

§ 18. Partial Repeal of Sections 2827 and 2861, Kentucky Statutes. Section 2827, Kentucky Statutes, vesting in the Board of Public Works of cities of the first class, supervision and control over the construction of all public buildings and public improvements, to the extent that same conflicts with the provisions of this Act, shall stand repealed; but to no further extent. Also, Section 2861, Kentucky Statutes, vesting in the Board of Public Safety exclusive control of all matters relating to the Health Department, and to all charitable, hospital and like buildings and institutions of cities of the first class to the extent that said section conflicts with the provisions of this Act, shall likewise stand repealed; but to no further extent.

§ 19. Legal Services. All legal services or advice required by said Board shall be rendered by the City Attorney of such city, and his assistants, without additional compensation to them therefor.

§ 20. Repealing Clause. All Acts, or parts of Acts, in conflict, or inconsistent, herewith, are hereby repealed.

§ 21. Invalidation of Any Provision—Effect. If any section, paragraph, clause or separable provision of this Act shall be held to be invalid, such fact shall not affect, or render invalid, any other section, paragraph, clause or separable provision of the Act, it being the intention of the General Assembly, in enacting this Act, to enact each section, paragraph, clause and provision separately.

§ 22. Liberal Construction of Act. This Act, and all and each of its various sections and provisions, shall be liberally construed in favor of the purposes of the Act.

§ 23. Emergency Clause. For the reason that there is urgent need of a new and modernly constructed and equipped tuberculosis hospital in Jefferson County, Kentucky, for the joint use of said county and the city of Louisville, a city of the first class in said county, and emergency is hereby declared to

exist, and this act shall take effect from and after its passage.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Samuel W. Adams	J. Edgar Hadden	E. E. Nelson
R. M. Amos	Arch L. Hamilton	Geo. W. Newman
B. C. Beckmann	Oscar P. Harvey	D. A. O'Donovan
J. E. Bickett	Thos. O. Holder	James Park
W. M. Boling	N. T. Hopkins	S. R. Powell
J. F. Bosworth	Frank J. Humbert	Arch M. Quarles
Thos. Bowman	Ira Jones	R. I. Rice
Berl Boyd	S. B. Lane	J. L. Richardson
Sam A. Cary	H. R. Lawrence	Lee L. Simons
Chas. Chandler	Leon P. Lewis	George W. Smith
Lec Clark	Martin Light	R. F. Stewart
Bryce Cundiff	Rufus Lisle	John M. Tinsley
J. C. Day	C. C. May	Garnett W. Tolin
A. W. Dorsey	Harry J. Meyers	N. I. Toombs
G. Lucien Drury	Harry B. Miller	Chas. B. Truesdell
W. D. Duncan	Claude D. Minor	John L. Trumbo
George W. Ellis	R. C. Moore	Fred C. Vanhooose
Mrs. M. E. Flannery	Ed. P. Murrah	Oscar Vest
Emery L. Frazier	B. A. Muster	W. T. Walker
Dr. H. M. Fultz	C. D. McCaw	W. D. Watkins
W. L. Gossett	W. T. McGuire	
Bryant Green	R. D. McMurtry	

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Resolved that the title thereof be as aforesaid.

Mr. Minor moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 186. An Act to re-enact and amend Sec. 687, Kentucky Statutes, relating to the character of business to be done by insurance companies.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 687 of the Kentucky Statutes, Carroll's Edition of 1915, be and the same is hereby amended by adding after the words, to-wit:

“and upon the interest which it may have in any property by means of any loans which it may have made on mortgage,”

the following, to-wit:

“(9) upon automobile and all other cars and vehicles, including public liability, property damage, collision, fire and burglary and theft insurance, and to insure the owners of such automobiles and all other cars and vehicles against such losses as shall arise out of the ownership, operation or maintenance of the same,”

so that said Section when so amended and re-enacted shall be and read as follows, to-wit:

“It shall be lawful for any company organized under this law:

First. To insure houses, buildings and all other kinds of property against loss or damage by fire, lightning or storm, and to make all kinds of insurance on goods, merchandise and other property in course of transportation, whether on land or water, or, on any vessel or boat, wherever the same may be.

Second. To make any of the following kinds of insurance: (1) Upon the health of persons, or against injury, disablement or death of persons resulting from traveling or general accidents by land or water; and against the liability of employers for injuries to persons in their employment; (2) to guarantee the fidelity of persons holding places of trust, private or public, and to act as surety on official bonds, and for the performance of other obligations; (3) upon the lives of horses, cattle or other live stock; (4) upon plate glass against breakage; (5) upon steam boilers against explosion, and against loss or damage to life or property resulting therefrom; (6) against loss by burglary or theft, or both; (7) to examine titles to real property and chattels real, to procure and furnish information in relation thereto, and to make and guarantee the correctness of searches for all instruments, liens or charges affecting the same, and guarantee or insure bonds and mortgages, and the owners of real property and chattels real, and others interested therein against loss by reason of defective titles thereto, and other incumbrances thereon; (8) to guarantee and indemnify merchants, traders and those engaged in business and giving credit, from loss and damage by reason of giving and extending credit to their customers and those dealing with them, and to cause itself to be insured against any loss or risk it may have incurred in the course of its business, and upon the interest which it may have in any property by means of any loans which it may have made on mortgages; (9) upon automobiles and all other cars and vehicles, including public liability, property damage, collision, fire and burglary and theft insurance, and to insure the owners of such automobiles and all other cars and vehicles against such losses as arise out of the ownership, operation or maintenance of the same, and generally to do and perform all other matters and things proper to promote these objects; provided, that no company organized under this law for the purposes named in the first clause of this section shall undertake either of the risks mentioned in the second clause hereof;

and no company organized under this law for either of the purposes mentioned in the second clause, shall undertake any business mentioned in the said first clause, nor shall any such company undertake to do more than one of the several kinds of insurance mentioned in the said second clause except as herein after provided; and no company organized under this law shall undertake any business or risks not provided for herein. Any company organized for the purposes named in the second clause of this section may become sole surety in all such cases where, by law, two or more sureties are required for the faithful performance of any trust or office; but no clerk or other officer shall be required to accept any such company as surety, and may, before accepting the same, require an examination of the condition and affairs of any such company; and in case where any such company may be accepted as such surety, it shall be lawful for the court or officer taking the bond, or for any officer or fiduciary for whom the said company shall become surety, to place any bonds, stocks, securities, money or valuables in the custody of such company for safekeeping. No company doing business in this State shall undertake to do more than one of the several kinds of insurance named in the second clause of this section, unless said company shall first have on deposit, with the Treasurer of this State, or the Insurance Commissioner, or chief financial officer of some other state of the United States, the sum of one hundred thousand dollars, and an additional sum of fifty thousand dollars for each additional kind of insurance more than one herein named that such company may undertake in this state; and said deposit shall be invested as required by law. Any company doing more than one kind of business, as herein provided, shall be required to make a separate report and sworn statement for each kind of business done, such as is now required of companies doing but one kind of business in this state; and no company organized under this law, or transacting business in this state, shall expose itself to loss on any one risk or hazard to an amount exceeding ten per cen-

tum of its paid-up capital and surplus exclusive of the amount of any such risk secured by collateral, unless the excess shall be reinsured by the same in some good and reliable company having authority to transact business in this state. But this limitation shall not apply to any bonds or securities furnished to the United States, or to any court or officer thereof. If the directors allow to be insured on a single risk a larger sum than the law permits, they shall be liable for any loss thereon above the amount they might lawfully insure. If a company is under liability for losses equal to its net assets, and the president and directors, knowing it, make or assent to further insurance, they shall be personally liable for any loss under such insurance.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Samuel W. Adams	A. W. Dorsey	J. T. Jennings
B. C. Beckmann	W. D. Duncan	Wright Kelly
J. E. Bickett	George W. Ellis	S. B. Lane
W. M. Boling	Mrs. M. E. Flannery	H. R. Lawrence
Thos. Bowman	Emery L. Frazier	Leon P. Lewis
Berl Boyd	Dr. H. M. Fultz	Martin Light
W. R. Button	Bryant Green	Rufus Lisle
Chas. Chandler	J. Edgar Hadden	C. C. May
Lee Clark	Arch L. Hamilton	Harry J. Meyers
E. B. Cross	Oscar P. Harvey	Harry B. Miller
Bryce Cundiff	Thos. O. Holder	Claude D. Minor
J. C. Day	N. T. Hopkins	R. C. Moore
O. A. Denton	Frank J. Humbert	S. H. Moore

Ed. P. Murrah	Arch M. Quarles	D. D. Thornberry
B. A. Muster	R. I. Rice	John M. Tinsley
W. T. McGuire	J. L. Richardson	Garnett W. Tolin
R. D. McMurtry	Arthur Saunders	N. I. Toombs
E. E. Nelson	Lee L. Simons	Chas. B. Truesdell
Geo. W. Newman	Reuben E. Skaggs	Fred C. Vanhoose
D. A. O'Donovan	George W. Smith	Oscar Vest
James Park	R. F. Stewart	W. T. Walker
H. Walter Pierce	H. Q. Thompson	W. D. Watkins
S. R. Powell	S. G. Thornberry	—68

Resolved that the title thereof be as aforesaid.

Mr. Minor moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 170. An Act amending and re-enacting sec. 2982, Kentucky Statutes, Carroll's Edition of 1915, being Sec. 197, entitled, "An Act for the government of cities of the first class," as amended by Sec. 2 of the Act approved March 16, 1898, entitled "An Act to amend an Act entitled 'An Act for the government of cities of the first class,' approved July 1, 1893;" and providing for the borrowing by such cities, of funds for current fiscal needs, and the pledging of current taxes and revenues to secure such loans.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 2982, Kentucky Statutes, Carroll's Edition of 1915 (being Section 197 of the act approved July

1, 1893, entitled "An Act for the government of cities of the first class," as amended by Section 2 of the act approved March 16, 1898, entitled, "An Act to amend an act entitled 'An Act for the government of cities of the first class,' approved July first, eighteen hundred and ninety-three"), be amended by adding thereto, at the close thereof, the words and matter hereinafter set forth, beginning with the words "Any city of the first class is hereby authorized and empowered to borrow;" and that said section, as thus amended, be now re-enacted so as to read as follows, to-wit:

"Section 2982. In no fiscal year shall the general council appropriate or expend, or contract for the expenditure, of more than ninety-five per cent of the estimated revenue of the current year, unless more than that shall be actually collected; and if in any year less than ninety-five per cent of the estimated revenue shall be collected, and deficiency within ninety-five per cent may be provided for in the levy of the next year, and shall be called the "deficit tax." Any unexpended balance of an appropriation in any current fiscal year shall be added by the comptroller to the amount appropriated for the same purpose out of the levy for the succeeding year. Unappropriated balances of levies in any current fiscal year when collected shall be passed by the treasurer to the credit of the same funds for the succeeding year. Any city of the first class is hereby authorized and empowered to borrow, during any fiscal year, and within the limits of the levies and appropriations for such year as may be prescribed by law, such funds as may be needed or required for the operation and conduct of the business of the city, or of any of its departments, in any such year, pending the full collection of the taxes and other revenues of the city for such year for such purpose; and such loans shall be repaid out of the funds derived from such uncollected taxes and revenues, after their collection, in the same manner as ordinary claims against the city and its departments are paid. The mayor of such city,

is hereby authorized and empowered to procure any such loan, or loans, whenever, in his judgment, same may be needed or required; and, to this end, he is also authorized and empowered to pledge, for the purpose of securing the same, so much as may be necessary, of the city's uncollected taxes and other revenues for such fiscal year; and his acts in the premises shall be, in all respects, fully binding upon the city, and upon the taxes and revenues thus pledged. All funds thus borrowed shall be held and applied exactly in the same manner as the funds of the city, raised or derived through the collection of its taxes and revenues for such fiscal year, are required, by law, to be applied. Immediately upon procuring any such loan, the mayor shall report the fact, and the general features thereof, to the treasurer, comptroller, and the general council of such city.

§ 2. All acts, and parts of acts, inconsistent, or in conflict herewith, are hereby repealed.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were--

Samuel W. Adams	Sam A. Cary	Bryant Green
R. M. Amos	E. B. Cross	J. Edgar Hadden
B. C. Beckmann	J. C. Day	Arch L. Hamilton
W. M. Boling	G. Givens Dixon	Thos. O. Holder
Thos. Bowman	A. W. Dorsey	N. T. Hopkins
Berl Boyd	George W. Ellis	R. O. Huntsman
John E. Brown	Mrs. M. E. Flannery	H. R. Lawrence
W. R. Button	Dr. H. M. Fultz	Leon P. Lewis

Martin Light	James Park	H. Q. Thompson
Rufus Lisle	S. R. Powell	D. D. Thornberry
Harry J. Meyers	Arch M. Quarles	John M. Tinsley
Harry B. Miller	R. I. Rice	Garnett W. Tolin
Claude D. Minor	J. L. Richardson	N. I. Toombs
R. C. Moore	Arthur Saunders	Chas. B. Truesdell
Ed. P. Murrah	Lee L. Simons	Fred C. Vanhooose
B. A. Muster	Reuben E. Skaggs	Oscar Vest
R. D. McMurtry	George W. Smith	Geo. C. Waggoner
E. E. Nelson	Ira D. Smith	W. T. Walker
Geo. W. Newman	R. F. Stewart	W. D. Watkins
D. A. O'Donovan	Frank L. Strange	W. G. Wheeler

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Resolved that the title thereof be as aforesaid.

Mr. Minor moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Conference Committee heretofore appointed by the Senate and House of Representatives to consider the Amendment heretofore adopted by the Senate to H. B. 368 and H. B. 367.

(For titles see to-day's Journal above.)

Offered the following report:

We, the undersigned Members of the Conference Committee appointed by the President of the Senate and Speaker of the House to reach an agreement between the House and the Senate on H. B. 367 and 368 respectively, report:

That we recommend that the House agree to the Amendment offered by the Senate restoring into the State Board of Health its original appropriations of \$70,000.00 and we also agree to the Amendment of the Senate giving the Lieutenant

Governor \$500.00 for the year ending July 1, 1923, and we decline to agree to the said Amendment increasing the appropriation of the Senate for the State Board of Charities and Corrections \$100,000.00 and recommend that that Amendment to both bills be withdrawn in the Senate.

Said report was agreed to.

The bill entitled H. B. 368.

(For title see above.)

(For bill see House Journal March 7.)

Was then passed as amended by said Conference Committee.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Samuel W. Adams	Oscar P. Harvey	S. H. Moore
R. M. Amos	H. C. Hawkins	Ed. P. Murrah
B. C. Beckmann	Thos. O. Holder	B. A. Muster
J. E. Bickett	N. T. Hopkins	C. D. McCaw
Berl Boyd	David J. Howard	W. T. McGuire
Lee Clark	R. O. Huntsman	R. D. McMurtry
E. B. Cross	Ira Jones	E. E. Nelson
G. Givens Dixon	S. B. Lane	Chas. A. Nelson
A. W. Dorsey	H. R. Lawrence	Geo. W. Newman
G. Lucien Drury	Leon P. Lewis	D. A. O'Donovan
George W. Ellis	Martin Light	James Park
Mrs. M. E. Flannery	Rufus Lisle	Brodie Payne
W. L. Gossett	C. C. May	H. Walter Pierce
Bryant Green	Harry J. Meyers	S. R. Powell
J. Edgar Hadden	Harry B. Miller	R. I. Rice
Arch L. Hamilton	Claude D. Minor	J. L. Richardson

Arthur Saunders	Geo. F. Thompson	Oscar Vest
David I. Scott	S. G. Thornberry	Geo. C. Waggoner
Lee L. Simons	D. D. Thornberry	W. T. Walker
Reuben E. Skaggs	John M. Tinsley	W. D. Watkins
George W. Smith	Garnett W. Tolin	J. B. Wicker
Ira D. Smith	N. I. Toombs	T. C. Willis
R. F. Stewart	Chas. B. Truesdell	
Frank L. Strange	John L. Trumbo	

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The bill entitled H. B. 367

(For title see above.)

(For bill see House Journal March 7.)

Was then passed as amended by said Conference Committee.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Samuel W. Adams	Dr. H. M. Fultz	Martin Light
R. M. Amos	W. L. Gossett	Rufus Lisle
B. C. Beckmann	Bryant Green	C. C. May
J. E. Bickett	Ed. A. Gullion	Harry J. Meyers
W. M. Boling	J. Edgar Hadden	Harry B. Miller
Thos. Bowman	Arch L. Hamilton	Claude D. Minor
Berl Boyd	Oscar P. Harvey	R. C. Moore
W. R. Button	H. C. Hawkins	S. H. Moore
Sam A. Cary	Thos. O. Holder	Ed. P. Murrah
Lee Clark	N. T. Hopkins	B. A. Muster
E. B. Cross	David J. Howard	C. D. McCaw
Bryce Cundiff	R. O. Huntsman	W. T. McGuire
G. Givens Dixon	J. T. Jennings	R. D. McMurtry
A. W. Dorsey	Ira Jones	E. E. Nelson
G. Lucien Drury	Wright Kelly	Chas. A. Nelson
George W. Ellis	S. B. Lane	Geo. W. Newman
Mrs. M. E. Flannery	H. R. Lawrence	D. A. O'Donovan
Emery L. Frazier	Leon P. Lewis	C. C. Oney

James Park	George W. Smith	Chas. B. Truesdell
Brodie Payne	Ira D. Smith	John L. Trumbo
H. Walter Pierce	Frank L. Strange	Oscar Vest
S. R. Powell	H. V. Thompson	Geo. C. Waggoner
R. I. Rice	Geo. F. Thompson	W. T. Walker
J. L. Richardson	S. G. Thornberry	W. S. Wallen
Arthur Saunders	D. D. Thornberry	W. D. Watkins
David I. Scott	John M. Tinsley	W. G. Wheeler
Lee L. Simons	Garnett W. Tolin	J. B. Wicker
Reuben E. Skaggs	N. I. Toombs	T. C. Willis

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Ordered that said bills be delivered to the Enrolling Clerk of the House.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 237. An Act to promote the solvency of state banks, to authorize and regulate exchange charges, to prevent publication for non-payment when payment is offered in accordance with this Act.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That for the purpose of providing for the solvency, protection and safety of the state banking institutions and trust companies chartered by this state and having their principal offices in the state, it shall be lawful for all banks and trust companies in this state to charge a fee, not in excess of one-eighth ($\frac{1}{8}$) of one per cent. (1%), on remittances covering checks and drafts due to banks located outside of the municipality, city, town or village in which the said remitting state bank or trust company has its said principal office.

§ 2. That in order to prevent draining of unnecessary amounts of currency from the vaults of the banks and trust companies, chartered by this state, all checks drawn on state banks and trust companies shall, unless specified on the face thereof to the contrary by the maker or makers thereof, be payable at the option of the drawee bank, in exchange draft on the reserve deposits of said drawee bank when any such check or draft is presented by or through any Federal Reserve Bank, post office, express company, or any respective agents thereof.

§ 3. That it shall be unlawful for any person, or persons, other than the maker thereof, to make, by rubber stamp or otherwise, any notation on any check drawn on any bank or trust company chartered in this state, the effect of which notation shall change or affect any condition or provision thereof, as created by this act. That any person or persons violating this section shall be guilty of a misdemeanor, and upon conviction shall pay a fine of not more than Two Hundred Dollars (\$200.00), or be imprisoned not more than thirty (30) days.

§ 4. That all checks drawn on the banks and trust companies in this state in payment of obligations due the State of Kentucky or the Federal Government shall be exempt from the provisions of Sections one and two of this act.

§ 5. That no Notary Public or other officer in this state shall protest for non-payment any check or draft drawn on any bank or trust company chartered by this state when payment is refused by the drawee bank solely on account of failure or refusal of the holder or owner thereof to pay exchange charges herein authorized; and there shall be no right of action, either in law or equity, against any bank or trust company chartered by this state for refusal to pay any such check when such action is based alone on the ground of refusal to pay exchange or collection charges herein authorized.

§ 6. That any person, or the employee of any bank or

other corporation who shall knowingly issue or give any notice by publication or otherwise of the non-payment of any check or draft drawn on any state bank or trust company chartered under the laws of this state after the said banking institution shall have offered to pay the same in accordance with the laws of the state of Kentucky, shall be guilty of a misdemeanor and on conviction shall be punished by a fine of not less than Two Hundred Dollars (\$200.00) nor exceeding Five Hundred Dollars (\$500.00) or imprisoned in the County jail not less than ten days nor more than sixty days.

§ 7. The proper courts of any county in this state wherein such notice or notices shall have been published shall have full jurisdiction to hear and determine all such cases no matter where the notice of such check or draft shall have originated or been circulated.

§ 8. That all laws in conflict with the provisions of this act are hereby repealed.

Mr. Ira B. Smith moved that said bill lie on the table.

Said motion was agreed to.

And so said bill was rejected.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 208. An Act for the benefit of the Home for Incurables.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. That there is hereby appropriated out of any money in the treasury not otherwise appropriated, the sum of Ten Thousand Dollars per annum for two years, Payable annually,

for the benefit of The Home for Incurables, and the Auditor of Public Accounts be, and he is, authorized and directed to draw his warrants upon the Treasurer annually for two years in favor of the Treasurer of The Home for Incurables, for the annual sum of Ten Thousand Dollars; Provided, that no part of said appropriation shall be paid unless there has been executed on part of The Home for Incurables a bond to the Commonwealth of Kentucky with good and sufficient security, stipulating and providing that all of said sums of money so appropriated shall be applied to the purposes of the charter of The Home for Incurables, that is to provide a home for persons who are residents of the State of Kentucky who are afflicted with incurable, physical disability or disease, and have no means of support, and a failure to do so shall be a forfeiture of this appropriation. Said bond shall be approved by the Auditor of Public Accounts, and kept as a record in his office: Provided also if any part of said appropriation be not so applied, that all of such part thereof as may be unexpended shall be returned to and covered into the State Treasury, and that The Home for Incurables shall, by its proper officers, make an annual, verified statement to and settlement with the Auditor of Public Accounts, showing when, where and how said funds and appropriations have been applied and disbursed.

The said Auditor is authorized and directed to draw his warrant upon the Treasurer in favor of the Treasurer of The Home for Incurables on the first day of June, 1922, for Ten Thousand Dollars, and on the first day of June in 1923 for the sum of Ten Thousand Dollars.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Samuel W. Adams	Arch L. Hamilton	Arch M. Quarles
R. M. Amos	Thos. O. Holder	R. I. Rice
B. C. Beckmann	N. T. Hopkins	J. L. Richardson
J. E. Bickett	R. O. Huntsman	Arthur Saunders
W. M. Boling	H. R. Lawrence	George W. Smith
J. F. Bosworth	Leon P. Lewis	Ira D. Smith
Berl Boyd	Martin Light	R. F. Stewart
John E. Brown	Rufus Lisle	H. Q. Thompson
W. R. Button	C. C. May	D. D. Thornberry
Chas. Chandler	Harry J. Meyers	John M. Tinsley
Lee Clark	Harry B. Miller	Garnett W. Tolin
E. B. Cross	Claude D. Minor	Chas. B. Truesdell
Bryce Cundiff	R. D. McMurtry	Oscar Vest
A. W. Dorsey	E. E. Nelson	W. T. Walker
George W. Ellis	Geo. W. Newman	W. S. Wallen
Mrs. M. E. Flannery	D. A. O'Donovan	W. D. Watkins
Bryant Green	Brodie Payne	W. G. Wheeler
J. Edgar Hadden	S. R. Powell	

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Those who voted in the negative were—

Thos. Bowman	W. L. Gossett	B. A. Muster
Dr. H. M. Fultz	R. C. Moore	N. I. Toombs

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Resolved that the title thereof be as aforesaid.

Mr. Minor moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules, the House

took up for consideration from the Orders of the Day a bill entitled:

S. B. 33. An Act amending and re-enacting sec. 1 of Sec. 3235-a26, Carroll's 1918 Supplement to Kentucky Statutes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 1 of an act to amend and re-enact Section 26, and to repeal Section 27 of Chapter 137 of the Acts of 1912, entitled, "An Act creating boards of Education for cities of the second class, providing for the election thereof, defining their powers and duties, and repealing all laws in conflict therewith, approved March 19th, 1912," which said amending act was passed by the General Assembly in 1918, and became a law without the approval of the Governor, and is now Section 3235a-26, Carroll's 1918 Supplement to Kentucky Statutes, be, and the same is hereby amended and re-enacted, so that when amended and re-enacted, said section will read as follows:

Section 26. Said board of education shall annually, in the month of January, approximately ascertain the amount of money, which will be necessary to be used to defray the expenses of maintaining the schools, including sinking fund, repairs and improvements of buildings and any liquidation of liabilities falling due during the current fiscal year, and shall enter the same at large together with the estimated approximate amount to be received from the common school fund of the State of Kentucky for the year upon the minute book of the board, and power and authority is hereby conferred upon such board of education to impose and levy ad valorem taxes upon all real and personal property in such city subject to

and assessed for taxation for city purposes, not exceeding a rate of 95c upon each \$100.00 of taxable property, and shall also levy a sufficient amount to provide for sinking fund purposes for the fiscal year, and the taxes accruing from so much of said levy as is made for sinking fund purposes shall be by said board of education at once irrevocably set aside and used for that purpose and not otherwise, and said sinking fund as above provided for shall include the sinking fund for the entire outstanding indebtedness of said board whether created before or after 1912. Not later than the month of March annually, the board of education shall adopt a resolution imposing and levying an ad valorem tax upon all the real and personal property subject to taxation and assessed by said city for general purposes at such rate not exceeding 95c on the \$100.00 valuation of said property, as shall, in the opinion of said board, be necessary to produce in that year the total estimated sum necessary to be raised to support and maintain the public schools of the city, less the estimated sum to be received from the State common school fund, and shall also levy a tax for sinking fund purposes, and said resolution shall be forthwith certified under the seal of said board of education to the general council or board of commissioners of said city, and said levy at the rate so fixed and certified shall be by said general council or board of commissioners added to and included in the regular tax bills of the city, containing the ordinary levy, and shall be collected with the same, by the same officers, and in the same manner and at the same time, as the ordinary taxes for said city are collected by the collecting officers of the city, and all powers and duties conferred upon and required of officers in collecting the ordinary city taxes are hereby conferred upon and required of them in collecting the taxes levied by the board of education, and such collecting officer or officers, and his or their sureties, shall be severally liable under their official bonds for any failure in the performance of their duties on which bond or bonds suit or

suits may be brought for the use of said board and recovery had for such amount or amounts as shall be found due from such officer or officers. As and when said taxes are collected the city treasurer, or other collecting officer, of said city, shall promptly pay the same to the treasurer of the board of education, taking the receipts of said treasurer for the sum so paid, which shall be the full acquittance of said treasurer therefor, and said board of education shall, under its seal certify to the general council or board of commissioners, the name and location of its treasurer and of any change in said name or location. Provided, however, that the limitations hereinbefore prescribed of the tax that may be levied for school purposes shall not apply where a bonded indebtedness has been incurred for public school purposes, and when such an indebtedness has been incurred that there may be levied in addition to the tax hereinbefore authorized, an annual ad valorem tax sufficient to pay the interest on said indebtedness and also to constitute a sinking fund for the payment of the principal thereof.

§ 2. Section 27 of said Act is hereby repealed.

§ 3. All laws or parts of laws in conflict with this Act are, to the extent of such conflict, hereby repealed.

Mr. Adams offered the following Amendment, viz.:

“Amend S. B. 33 by striking out of lines 22 and 33 of Section 26 thereof the words and characters “95c” and inserting in lieu thereof words and characters “seventy-five cents” in each of said lines.”

Said Amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitution provision as to the third reading of

said bill at length being dispensed with, and the same being engrossed, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Samuel W. Adams	Ed. A. Gullion	J. L. Richardson
R. M. Amos	J. Edgar Hadden	Arthur Saunders
C. W. Bennett	Oscar P. Harvey	Lee L. Simons
J. E. Bickett	Thos. O. Holder	George W. Smith
W. M. Boling	N. T. Hopkins	Ira D. Smith
Thos. Bowman	R. O. Huntsman	R. F. Stewart
Berl Boyd	J. T. Jennings	Frank L. Strange
John E. Brown	S. B. Lane	H. Q. Thompson
W. R. Button	H. R. Lawrence	D. D. Thornberry
Sam A. Cary	Leon P. Lewis	John M. Tinsley
Chas. Chandler	Martin Light	Garnett W. Tolin
Lee Clark	C. C. May	N. I. Toombs
Bryce Cundiff	Harry J. Meyers	Chas. B. Truesdell
O. A. Denton	Ed. P. Murrah	Fred C. Vanhooose
A. W. Dorsey	B. A. Muster	Oscar Vest
G. Lucien Drury	E. E. Nelson	W. T. Walker
George W. Ellis	Chas. A. Nelson	W. S. Wallen
Mrs. M. E. Flannery	D. A. O'Donovan	W. D. Watkins
Emery L. Frazier	James Park	W. G. Wheeler
Dr. H. M. Fultz	Brodie Payne	J. B. Wicker
Bryant Green	S. R. Powell	

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Those who voted in the negative were—

J. C. Day	Arch L. Hamilton	Harry B. Miller
W. L. Gossett		

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Resolved that the title thereof be as aforesaid.

Mr. Minor moved that the vote by which said bill was passed be reconsidered and that motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 155. An Act to amend and re-enact sec. 3563 of the Kentucky Statutes relating to the control and improvement of public streets, alleys, sidewalks, roads, lanes, avenues, highways and thoroughfares, in cities of the fourth class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 3563 of the Kentucky Statutes as amended by the acts of 1916 be now further amended by striking out the words therein as follows, to-wit:

“The city shall pay the cost of the improvements of intersection with other public ways including one-half of the width of the street or alley being improved opposite other streets or alleys which run into but do not cross the street or alley so being improved and of that portion of any street abutting upon property belonging to the city and shall pay the costs of all improvements where the abutting owner is a public school, cemetery, county, state or United States.”

And in lieu thereof inserting the following:

“The Board of Council may, by ordinance, require the cost of improvement of street intersections and street and alley intersections to be paid by the owners of the property abutting on the street ordered to be improved, in which event the cost of the improvement from the center of one cross street to the center of any other cross street shall be assessed against the respective owners of the property abutting on the improved street in the proportion which the amount of street frontage owned by each between said cross streets bears to the distance between said two cross streets and unless so pro-

vided by ordinance then the expense thereof shall be borne by the city. The cost of all improvements in front of property owned by a cemetery company or by a public school district or by the county or the state or the United States shall be paid by the city unless said owners, through their duly constituted authorities, shall agree in writing to pay for their proportional part of said improvements, and the duly appointed authorities in any school district and in any county and in the state are hereby given authority to enter into contracts for that purpose. No lien for the cost of any such improvement shall be created against any property owned by the United States or by the State of Kentucky or by any school district or against property used for cemetery purposes.”

So that said section when amended shall read as follows, to-wit:

“Sec. 3563. The board of council may, by ordinance provide for the improvement of streets, alleys and other public ways and sidewalks (including curbing and guttering), or parts thereof, in the manner herein set out. The improvement of any public way or sidewalk by original or reconstruction or by resurfacing upon a foundation already in place, shall be deemed an improvement within the provisions of this act. An ordinance for improvement of any public street or sidewalk as contemplated in this section shall have two readings before the board of council and ten days shall intervene between the first and second readings. The improvement of public ways and sidewalks (including curbing and guttering), except as hereinafter provided, shall be made at the exclusive cost of the owners of real estate abutting on such improvement to be apportioned among and assessed upon the lots or parcels of real estate in proportion to the whole number of abutting feet, and a tax shall be levied upon such lots or parcels of real estate for the payment of the cost assessed thereon, which tax shall be due and payable at the city treasurer’s office upon the completion of the work and acceptance thereof

by the board of council, unless otherwise provided in the ordinance ordering such improvement, and no property shall be exempt from such improvement tax. Any such tax which is not paid within thirty days after the same becomes due shall have added thereto a penalty of ten per cent. of the amount of the tax. There shall be a lien upon such lots or parcels of real estate for the part of the cost of such improvement so assessed thereon, and the same shall bear interest at the rate of six per cent. per annum from the time of the assessment until paid. Any assessment for any street improvement as provided in this section which exceeds one-half of the value of the lots or parcels of real estate upon which the assessment is made shall be void as to such excess, but the improvement shall be taken into consideration in fixing the value of such real estate and the board of council shall provide for the payment of any such excess out of the general fund. When in any such city, having therein a street railway and the railway company is required by its franchise, or by any contract with the city, to pave or improve any part of the streets or alleys of the city, proposed to be improved, the cost of paving such portion of such streets or alleys shall be assessed against such railway company and a tax shall be levied upon all property assets and franchises of such company in the city for the payment thereof. Such tax shall constitute a first lien upon all property, assets and franchises of all kinds whatsoever, of such company within the corporate limits of the city, and shall be due and payable at the same time in the same manner and shall bear like interest as the taxes assessed against the abutting property. Such railway company shall have the right to construct its own part of such proposed improvement, and, if it shall do so, no tax shall be assessed against such company; provided, however, that such company shall, before the letting of the contract for such improvement, elect by written request presented to the board of council, to construct its part of such improvement, and shall execute a bond to the

city with good and sufficient surety, to be approved by the mayor, conditioned that it will do the work of improving such part of the street with such material and according to such plans and specifications and within such time and subject to such provisions as the ordinance therefor may prescribe. The board of council, by ordinance, may require the cost of improvement of street intersections and street and alley intersections to be paid by the owners of the property abutting on the street ordered to be improved, in which event the cost of the improvement from the center of one cross street to the center of any other cross street shall be assessed against the respective owners of the property abutting on the improved street in the proportion which the amount of street frontage owned by each, between said cross streets bears to the distance between said two cross streets and unless so provided by ordinance then the expense thereof shall be borne by the city. The cost of all improvements in front of property owned by a cemetery company or by a public school district or by the county or the state or the United States shall be paid by the city unless said owners, through their duly constituted authorities, shall agree in writing to pay for their proportional part of said improvements and the duly appointed authorities in any school district and in any county and in the state are hereby given authority to enter into contracts for that purpose. No lien for the cost of any such improvement shall be created against any property owned by the United States or by the State of Kentucky or by any school district or against property used for cemetery purposes.

“The city treasurer shall keep in his office, in a book to be provided for that purpose, a record of all assessments of local taxes as provided in this section, showing the name and portion of the street in which the improvement is made the character of the improvement and the names of the persons against whose property the assessments are made. Such record shall be subject to inspection by any person desiring to inspect the same, and shall be conclusive evidence of notice

to all persons of such assessments and the liens created thereby. Upon payment of any improvement tax to the treasurer, he will make proper entry thereof in the record book herein provided for, whereupon the lien for such tax shall stand released. All local taxes paid into the city treasury shall, from time to time, be paid over to the contractor or other person entitled thereto, upon order of the board of council. The treasurer shall carefully keep a separate account of the fund arising from assessments for each particular improvement, and no proceeds arising from assessment for one improvement shall be diverted to the payment for any other improvement whatever. The proceeds shall in each case constitute a separate special fund for the payment of the constructor for the particular work for which the assessment is made, or for the security and payment of improvement bonds, if any are issued, as provided in Section 3577 for such improvement. The board of council of any city of the fourth class may provide by general ordinance that such city shall pay part, and if so, what part of the cost of improvement of the streets, alleys, sidewalks and other public ways of such city. When such provision is made it shall be uniform and shall thereafter apply to the improvement of all streets, alleys, sidewalks and public ways in the city, and such general provision shall not thereafter be changed or repealed except at intervals of ten years or more."

§ 2. All laws or parts of laws in conflict herewith are hereby repealed.

§ 3. Whereas the improvement of streets and highways in various cities of the fourth class in the State of Kentucky are being delayed by reason of the fact that the various municipalities are unable to pay the cost of improving the street and alley intersections an emergency is hereby declared and this act shall take effect immediately upon its passage.

Mr. Brown moved that said bill lie on the table.

Said motion was agreed to.

And so said bill was rejected.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 102. An Act fixing limits on loads moved over any turnpike, gravel or other hard surfaced road in the Commonwealth of Kentucky between the fifteenth day of December and the first day of April following; providing for the moving of loads in excess of such limit in case of emergency, on permit of the County Judge; and prescribing penalties for violation of this Act.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. It shall be unlawful for any person, firm, association or corporation to haul over any turnpike, macadam, gravel or other hard surfaced roads, at any time between the fifteenth day of December and the first day of April following, on any vehicle with steel tires of less than three inches in width any load, the combined weight of which load, vehicle and driver shall be more than four thousand (4,000) pounds; or on any vehicle with steel tires of three inches and less than four inches in width any load, the combined weight of which load, vehicle and driver shall be more than fifty-five hundred (5,500) pounds; or on any vehicle with steel tires of four inches and less than five inches in width any load, the combined weight of which load, vehicle and driver shall be more than fifty-eight hundred (5,800) pounds; or on any vehicle with steel tires five inches or over in width any load, the combined weight of which load, vehicle and driver shall be more

than six thousand (6,000) pounds; or on any vehicle with solid rubber or rubber compounded tires less than three inches in width any load, the combined weight of which load, vehicle and driver shall be more than four thousand five hundred (4,500) pounds; or on any vehicle with solid rubber or rubber compounded tires of three inches and less than four inches in width any load, the combined weight of which load, vehicle and driver shall be more than fifty-five hundred (5,500) pounds; or on any vehicle with solid rubber or rubber compounded tires of four inches and less than five inches in width any load, the combined weight of which load, vehicle and driver shall be more than sixty-five hundred (6,500) pounds; or on any vehicle with solid rubber or rubber compounded tires five inches or over in width any load, the combined weight of which load, vehicle and driver shall be more than ten thousand (10,000) pounds.

Provided, however, on brick, concrete, rock asphalt, or surface treated macadam, or any type of construction rated as high type construction by highway engineer, the weights as set out in the above section may be increased fifty per cent (50%) during the above mentioned dates.

• § 2. In case of emergency loads of greater weight than the limits herein provided may be hauled on such roads between the fifteenth day of December and the fifteenth day of April following; but before any load in excess of the limits herein provided shall be hauled over any of such roads during the period extending from the fifteenth day of December to the fifteenth day of April following, a permit so to do must be granted by the County Judge of the county in which is located the road over which such load is proposed to be hauled, and such permit must specify the load to be hauled and the point from which and to which it may be carried, but where the load is to be hauled over roads lying in more than one county, it shall be necessary to secure a permit from the

County Judge, or nearest magistrate of each county through which the load is to be moved.

§ 3. Any person, firm, association or corporation violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in any sum not less than Twenty-five Dollars (\$25.00), and, not more than Two Hundred Dollars (\$200.00), and, in addition thereto, any person, firm, association or corporation violating any of the provisions of this act shall be responsible in the civil courts for any damage done to any of the public roads of the State or the county. It shall be the duty of the County Attorney of the county in which such damage occurs to institute such actions as may be necessary to recover any damage so occasioned.

Mr. Brown offered the following Amendment, viz.:

Amend Sec. 1, line 31, by adding the following: "Nothing in this Act shall apply to vehicles either motor driven or horse drawn in the construction, reconstruction, repair or maintenance of any public highway, provided, however, that such hauling is done only over the road under construction, reconstruction, repair or maintenance."

Said Amendment was agreed to.

Mr. Brown offered the following Amendment, viz.:

Amend (4000), line 6, sec. 1 to (5000)

Amend (5500), line 9, sec. 1 to (6500)

Amend (6000), line 15, sec. 1 to (7000)

Amend (4500), line 18, sec. 1 to (5500)

Amend (5500), line 21, sec. 1 to (6500)

Amend (6500), line 24, sec. 1 to (7500)

Said Amendment was agreed to.

Mr. Truesdell offered the following Amendment, viz.:

Amend S. B. No. 102 by adding after sec. 4 the following:

“Provided, however, this bill shall not apply to counties wherein there is a city of the first or second class.

Said Amendment was disagreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, and the same being engrossed, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

R. M. Amos	Ed. A. Gullion	Ira D. Smith
J. E. Bickett	J. Edgar Hadden	R. F. Stewart
W. M. Boling	Arch L. Hamilton	D. D. Thornberry
J. F. Bosworth	R. O. Huntsman	John M. Tinsley
Berl Boyd	H. R. Lawrence	Garnett W. Tolin
John E. Brown	Leon P. Lewis	N. I. Toombs
W. R. Button	Martin Light	Fred C. Vanhooose
Chas. Chandler	Rufus Lisle	Oscar Vest
Lee Clark	C. C. May	W. T. Walker
Bryce Cundiff	B. A. Muster	W. S. Wallen
J. C. Day	E. E. Nelson	W. D. Watkins
O. A. Denton	Chas. A. Nelson	W. G. Wheeler
A. W. Dorsey	Geo. W. Newman	J. B. Wicker
George W. Ellis	R. I. Rice	
Bryant Green	J. L. Richardson	

Those who voted in the negative were—

Samuel W. Adams	W. L. Gossett	Brodie Payne
Sam A. Cary	N. T. Hopkins	S. R. Powell
E. B. Cross	Ed. P. Murrah	George W. Smith
G. Lucien Drury	R. D. McMurtry	H. Q. Thompson
Mrs. M. E. Flannery	D. A. O'Donovan	Chas. B. Truesdell

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Resolved that the title thereof be as aforesaid.

Mr. Minor moved that the vote by which said bill was passed be reconsidered and that motion lie on the table.

The House took up for consideration from the Calendar bills of the following titles, viz.:

S. B. 193. An Act to promote the production of better eggs in Kentucky by regulating the traffic in eggs to prevent fraud and misrepresentation in dealing in eggs, to prevent the sale of eggs unfit for human food, and to fix penalties for violation of the provisions thereof.

S. B. 171. An Act amending and re-enacting sec. 3014, Kentucky Statutes (being sec. 228 of the Act approved July 1, 1893, entitled: "An Act for the government of cities of the first class,"), and vesting in the police courts of such cities the power and authority to suspend, or revoke, or to forbid or to provide the conditions of re-issuance, of licenses issued by or under authority of such cities to motor vehicle drivers, chauffeurs, and owners, and to the owners, proprietors, and operators of soft drink establishments.

S. B. 269. An Act establishing a road to run from Garfield, Breckinridge County, Kentucky, via Custer and Dyer to Cecelia, Hardin County, Kentucky, as a state primary road, and designating said project as Project No. —.

S. B. 60. An Act to create the office of comptroller as desired by the voters of the various cities, districts and counties of this Commonwealth, providing for his powers, duties, responsibilities and compensation and penalties for the violation of the provisions thereof by the comptroller or other persons.

S. B. 76. An Act defining and regulating the business of dry cleaning and dyeing in cities of the first and second class and providing for the construction, maintenance and inspection by the State Fire Marshal of dry cleaning and dyeing building and establishments, and providing ways and means for enforcing this Act, and penalties for the violations thereof.

S. B. 274. An Act to amend an Act entitled: "An Act to amend and re-enact sections 3449, 3450, 3451, 3452, 3453, 3454, 3455, 3456, 3457, 3458, 3459 of the Kentucky Statutes relating to the control of public streets, alleys, sidewalks, roads, lanes, avenues, highways and thoroughfares in cities of the third class."

S. B. 282. An Act relating to roads and bridges, amending chapter 17, Acts of the General Assembly of the Commonwealth of Kentucky, 1920.

S. B. 285. An Act amending chapter 17, Acts, 1920, relating to roads and etc.

S. B. 184. An Act to amend and re-enact sec. 2072 of the Kentucky Statutes (Carroll's Edition. 1915) chapter 64, Article 1, and concerning the control of adoptions; control of adopted persons or infants; consent by parents or institutions to adoptions; contracts connected with adoptions; and the powers and procedure of circuit courts in such cases.

S. B. 143. An Act relating to roads and bridges, and

amending Chapter 17, Acts of the General Assembly of the Commonwealth of Kentucky, 1920, by adding thereto as project No. — extending from Greenville, Muhlenberg County to Morgantown, Butler County, Kentucky, via Drakesboro, Browder, Innis, Rochester, South Hill, Dunbar to Morgantown, and project No. — extending from Calhoun via Livermore, Hefflin and Hartford, to Rosine.

S. B. 221. An Act to repeal, amend and re-enact Sec. 3637, Kentucky Statutes.

S. B. 178. An Act to protect the title of motor vehicles and trailers within this State; to provide for the issuance of certificates of title and evidence of registration thereof; to regulate purchase and sale or other transfer of ownership; to facilitate the recovery of motor vehicles and trailers stolen or otherwise unlawfully taken; to provide for the regulation and licensing of certain dealers in used and second-hand vehicles as herein defined; to prescribe the powers and duties of the State Tax Commission hereunder; and to provide penalties for violation of the provisions hereof.

S. B. 79. An Act relating generally to the school laws of the State, repealing and re-enacting subsec. 2 of Sec. 4636b of Carroll's 1915 Edition of the Kentucky Statutes relating to degrees and teachers' certificates issued by the State University; and repealing the following sections of the Kentucky Statutes, Carroll's Edition of 1918, to-wit: section 4535a relating to teachers' certificates conferred by Eastern and Western State Normal Schools; section 4535c-1 relating to teachers' certificates issued by quasi-public Normal Schools; section 4535c-2 describing the persons who may designate the schools entitled to issue such teachers' certificates, and the qualifications of the school.

Ordered that said bills be read the second time.

The Constitutional provision as to the second reading of said bills at length being dispensed with they were read the third time by their titles.

Ordered that said bills be placed in the Orders of the Day.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 58. An Act repealing Sec. 4369, of the Kentucky Statutes, Carroll's Edition, 1918, relating to granting certificates to pupils completing the elementary course of study of county school districts, and in order to simplify the method of granting certificates to pupils completing the elementary course of study of county school districts, etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 4369 of the Kentucky Statutes, Carroll's Edition, 1918, relating to granting certificates to pupils completing the elementary course of study of county school districts be, and the same is hereby, repealed, and in lieu thereof is now enacted the following section to be known and designated as:

Section 4369. Whenever a pupil of any common school in county school districts shall have completed the prescribed elementary course of study, and shall have passed an examination in the same prescribed by the county board of education, he shall be entitled to a certificate of such completion signed by the chairman of the county board and by the county superintendent, and such pupil shall be entitled to admission into any county high school free of tuition.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Samuel W. Adams	Dr. H. M. Fultz	Brodie Payne
R. M. Amos	Bryant Green	S. R. Powell
J. E. Bickett	Ed. A. Gullion	Arch M. Quarles
W. M. Boling	J. Edgar Hadden	J. L. Richardson
J. F. Bosworth	Oscar P. Harvey	Arthur Saunders
Thos. Bowman	Thos. O. Holder	Lee L. Simons
John E. Brown	N. T. Hopkins	George W. Smith
W. R. Button	R. O. Huntsman	Ira D. Smith
Sam A. Cary	H. R. Lawrence	R. F. Stewart
Chas. Chandler	Leon P. Lewis	D. D. Thornberry
E. B. Cross	Martin Light	John M. Tinsley
Bryce Cundiff	Rufus Lisle	Garnett W. Tolin
J. C. Day	R. C. Moore	N. I. Toombs
O. A. Denton	Ed. P. Murrah	Chas. B. Truesdell
A. W. Dorsey	E. E. Nelson	Fred C. Vanhoose
George W. Ellis	Chas. A. Nelson	W. T. Walker
Mrs. M. E. Flannery	D. A. O'Donovan	W. G. Wheeler

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Those who voted in the negative were—

Berl Boyd G. Lucien Drury

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Resolved that the title thereof be as aforesaid.

Mr. Minor moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 5. An Act relating to motor vehicles.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Each commercial motor vehicle of more than one-half ton capacity, operated upon the public highways or streets of the Commonwealth of Kentucky, shall be equipped with a mirror or reflector attached to, and at all times located and adjusted upon such vehicle as to give the operator a clear reflected view of the highway directly to the rear on a line parallel to the side of the body of such vehicle, and so as to enable the operator of such vehicle to see and observe machines and vehicles approaching from the rear and desiring to pass.

§ 2. The owner of each motor vehicle as above set out who by himself or his agent or servant shall operate such motor vehicle upon the highways or streets of the Commonwealth of Kentucky, without the equipment and the same so adjusted as above provided shall be deemed guilty of a misdemeanor, and upon conviction be fined in any sum not to exceed One Hundred (\$100.00) Dollars, each day of such operation to constitute a separate offense.

§ 3. Hereafter it shall be unlawful for any person, firm or corporation to sell, barter or otherwise dispose of any motor vehicle as above described unless the same be equipped with a mirror or reflector, located and adjusted as provided in Section 1, and a violation of this section shall carry the same penalty as provided in Section 2 hereof.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

R. M. Amos	N. T. Hopkins	R. I. Rice
J. E. Bickett	R. O. Huntsman	Arthur Saunders
W. M. Boling	Leon P. Lewis	George W. Smith
J. F. Bosworth	Martin Light	Frank L. Strange
Thos. Bowman	Rufus Lisle	H. Q. Thompson
Berl Boyd	Harry J. Meyers	D. D. Thornberry
John E. Brown	Harry B. Miller	John M. Tinsley
Sam A. Carv	Claude D. Minor	Garnett W. Tolin
Chas. Chandler	R. C. Moore	N. I. Toombs
Lee Clark	Ed. P. Murrah	Oscar Vest
Bryce Cundiff	B. A. Muster	W. T. Walker
A. W. Dorsey	C. D. McCaw	W. S. Wallen
George W. Ellis	E. E. Nelson	W. D. Watkins
Mrs. M. E. Flannery	Chas. A. Nelson	J. B. Wicker
Bryant Green	D. A. O'Donovan	T. C. Willis
Ed. A. Gullion	James Park	
J. Edgar Hadden	Brodie Payre	

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Those who voted in the negative were—

E. B. Cross	Fred C. Vanhooose	W. G. Wheeler
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Resolved that the title thereof be as aforesaid.

Mr. Minor moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House

took up for consideration from the Orders of the Day a bill entitled:

S. B. 250. An Act to amend sec. 965, Kentucky Statutes, relating to the time for holding the terms of circuit court in the twelfth judicial district; composed of the counties of Anderson, Henry, Shelby, Oldham, Spencer and Trimble.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section Nine Hundred and Sixty-five of the Kentucky Statutes, insofar as it relates to the Twelfth Circuit Court District be, and the same is hereby amended by striking from said section all that part which relates to the time of holding courts in the Twelfth Circuit Court District, and inserting in lieu thereof the following:
Twelfth District:

Anderson County—at Lawrenceburg—second Monday in March, twelve juridical days; third Monday in June, twelve juridical days; fourth Monday in November, twelve juridical days.

Henry County—at Newcastle—third Monday in January, twelve juridical days; third Monday in April, twelve juridical days; third Monday in September, twelve juridical days.

Shelby County—at Shelbyville—first Monday in February, eighteen juridical days; first Monday in May, eighteen juridical days; first Monday in October, eighteen juridical days.

Oldham County—at LaGrange—fourth Monday in February, twelve juridical days; fourth Monday in May, twelve juridical days; fourth Monday in October, twelve juridical days.

Spencer County—at Taylorsville—fourth Monday in March, twelve juridical days; second Monday in June, six juridical days; second Monday in November, twelve juridical days.

Trimble County—at Bedford—second Monday in January, six juridical days; second Monday in April, six juridical days; first Monday in September, twelve juridical days.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Samuel W. Adams	J. Edgar Hadden	R. I. Rice
R. M. Amos	Oscar P. Harvey	J. L. Richardson
C. W. Bennett	Thos. O. Holder	George W. Smith
J. E. Bickett	R. O. Huntsman	R. F. Stewart
W. M. Boling	H. R. Lawrence	Frank L. Strange
J. F. Bosworth	Leon P. Lewis	H. Q. Thompson
Thos. Bowman	Martin Light	D. D. Thornberry
John E. Brown	Rufus Lisle	John M. Tinsley
Sam A. Cary	Harry J. Meyers	Garnett W. Tolin
E. B. Cross	Claude D. Minor	N. I. Toombs
Bryce Cundiff	R. C. Moore	John L. Trumbo
O. A. Denton	B. A. Muster	W. T. Walker
G. Lucien Drury	C. D. McCaw	W. S. Wallen
George W. Ellis	D. A. O'Donovan	J. B. Wicker
Mrs. M. E. Flannery	Brodie Payne	
Ed. A. Gullion	S. R. Powell	

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Resolved that the title thereof be as aforesaid.

Mr. Minor moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 158. An Act to provide for the acceptance of the benefits of an Act passed by the Senate and House of Representatives, of the United States of America in Congress assembled (H. R. 4438, approved June 2, 1920), entitled "An Act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment," to provide for the administration of same and to make appropriations for such purposes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the State of Kentucky does hereby through its general assembly, accept the provisions and benefits of the act of Congress, entitled "An Act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment," approved June 2, 1920, and will observe and comply with all requirements of said act.

For the purpose of this act the term "persons disabled" shall be construed to mean any person whom by reason of a physical defect or infirmity, whether acquired by accident, injury, or disease, is, or may be expected to be, totally or partially incapacitated for remunerative occupation; the term "rehabilitation" shall be construed to mean the rendering

of a disabled person fit to engage in a remunerative occupation.

§ 2. That the board designated or created as the State Board of Vocational Education to cooperate with the Federal Board for Vocational Education in the administration of the provisions of the Vocational Education Act, approved February 23, 1917, is hereby designated as the State Board to cooperate with the said Federal Board in carrying out the provisions and the purposes of said Federal Act providing for the vocational rehabilitation of persons disabled in industry or otherwise.

The State Board for Vocational Education shall prescribe and provide such facilities as may be necessary for the vocational rehabilitation of persons disabled in industry or otherwise; appoint such assistants as may be necessary to administer this act and said act of Congress in this State; fix the compensation of such assistants and direct the disbursement and administer the use of all funds provided by the Federal Government and this State for vocational rehabilitation of such persons.

To be eligible to receive vocational rehabilitation from the State Board, disabled persons must have been domiciled within the State for one year or more, or reside in the State at the time of sustaining disability.

§ 3. That it shall be the duty of the State Board, designated to cooperate as aforesaid in the administration of the Federal Act, and the Workmen's Compensation Board of Kentucky to formulate a plan of cooperation in accordance with the provisions of this act and said act of Congress, such plan to become effective when approved by the Governor of the State.

§ 4. There is hereby appropriated for the purposes of carrying out the provisions of this Act, and for matching Federal funds available to the State of Kentucky, under such Act of Congress, approved June 30, 1920, the sum of Ten

Thousand (\$10,000.00) Dollars for the fiscal year ending June 30, 1922; the sum of Twenty-Two Thousand Nine Hundred and Fifty-Five (\$22,955.00) Dollars for the fiscal year ending June 30, 1923, and the sum of Twenty-Two Thousand Nine Hundred and Fifty-Five (\$22,955.00) Dollars for the fiscal year ending June 30, 1924. Said appropriations shall be paid out of funds collected from the tax on premiums paid to insurance carriers writing compensation insurance in Kentucky, under the provisions of Chapter 37 of the Acts of 1920, in excess of the amount required for the maintenance of the Workmen's Compensation Board under the provisions of said act.

No portion of any appropriations made for the purposes of this act shall be used by any institution for handicapped persons except for the special training of such individuals entitled to the benefits of this act as shall be determined by the State Board.

§ 5. That the State Treasurer is hereby designated and appointed custodian of all moneys received by the State from appropriations made by the Congress of the United States for the vocational rehabilitation of persons disabled in industry or otherwise, and is authorized to receive and provide for the proper custody of the same and to make disbursements therefrom upon the requisition of the State Board for Vocational Education.

§ 6. The State Board designated to cooperate as aforesaid in the administration of the Federal Act, is hereby authorized and empowered to receive such gifts and donations, either from public or private sources, as may be offered unconditionally or under such conditions related to the vocational rehabilitation of persons disabled in industry or otherwise as in the judgment of the State Board are proper and consistent with the provisions of this act. All the moneys received as gifts or donations shall be deposited in the State Treasury and shall constitute a permanent fund to be called the special

fund for the vocational rehabilitation of disabled persons. A full report of all gifts and donations offered and accepted, together with the names of the donors and the respective amounts contributed by each, and all disbursements therefrom shall be submitted annually to the Governor of the State by the State Board.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

J. E. Bickett	Thos. O. Holder	R. I. Rice
W. M. Boling	N. T. Hopkins	J. L. Richardson
J. F. Bosworth	R. O. Huntsman	Arthur Saunders
Berl Bovd	H. R. Lawrence	George W. Smith
W. R. Button	Leon P. Lewis	Ira D. Smith
Sam A. Cary	Martin Light	R. F. Stewart
Chas. Chandler	Rufus Lisle	H. Q. Thompson
Lee Clark	C. C. May	D. D. Thornberry
E. B. Cross	Harry J. Meyers	John M. Tinsley
Bryce Cundiff	Claude D. Minor	Garnett W. Tolin
J. C. Day	R. C. Moore	N. I. Toombs
O. A. Denton	B. A. Muster	Chas. B. Truesdell
A. W. Dorsey	W. T. McGuire	Fred C. Vanhooose
G. Lucien Drury	R. D. McMurtry	Oscar Vest
George W. Ellis	E. E. Nelson	W. T. Walker
Dr. H. M. Fultz	Chas. A. Nelson	W. S. Wallen
W. L. Gossett	Geo. W. Newman	W. D. Watkins
Bryant Green	D. A. O'Donovan	W. G. Wheeler
Ed. A. Gullion	James Park	J. B. Wicker
J. Edgar Hadden	Brodie Payne	
Arch L. Hamilton	Arch M. Quarles	

Resolved that the title thereof be as aforesaid.

Mr. Minor moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 73. An Act amending sections 20 and 128 of the Act approved July 1, 1893, entitled, "An Act for the government of cities of the first class;" said sections being designated respectively, as sections 2782 and 2913, Kentucky Statutes, Carroll's Edition, 1915, and relate to the enactment, in such cities, of ordinances imposing fines for misdemeanors, and the imposition of fines and penalties by the Police Courts of such cities.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section twenty (20) of the Act approved July 1, 1893, entitled, "An Act for the government of cities of the first class," (said section being designated as Section 2782, Kentucky Statutes, Carroll's Edition, 1915,) is hereby amended by adding the words "or imprisonment not exceeding fifty (50) days, or both such fine and imprisonment," immediately following the words standing at the beginning of said section, viz.: "The General Council shall have power to pass ordinances imposing fines not exceeding one hundred dollars;" and as thus amended, such section twenty (20) is now re-enacted to read as follows, to-wit:

"Sec. 20. The general council shall have power to pass

ordinances imposing fines not exceeding one hundred dollars, or imprisonment not exceeding fifty (50) days, or both such fine and imprisonment, for any designated misdemeanor not provided for by the general laws of the Commonwealth; but in cases where the General Statutes of the Commonwealth impose a fine not exceeding one hundred dollars, such fine may be increased by ordinance."

§ 2. Section one hundred and twenty-eight (128) of the aforesaid Act, (being Section 2913, Kentucky Statutes, Carroll's Edition, 1915,) is hereby amended by striking therefrom the word "thirty" as it appears between the words "exceeding" and "days," in the first sentence thereof, and by substituting therefor the word "fifty," and by striking from said sentence the word "fifty" as it appears between the words "exceeding" and "dollars," and by substituting therefor the words "one hundred;" and, as thus amended, said section is now re-enacted to read as follows, to-wit:

"Sec. 128. Said court shall have power to impose such fines and penalties as may be prescribed by the statutes of the State, or by the ordinances of the city, but no imprisonment exceeding fifty days shall be ordered, and no fine exceeding one hundred dollars shall be imposed without the intervention of a jury, unless the right to have a jury is waived by the party to be tried. Cases in which the right to the custody and care of children is involved shall be tried by the court. When imprisonment is prescribed by the judge or jury trying the case, it shall be in the discretion of the judge or jury to direct whether or not the imprisonment shall be with hard labor, unless the statutes imposing the penalty distinctly prevents the exercise of such discretion."

§ 3. All laws, and parts of laws, inconsistent or in conflict, herewith, are hereby repealed.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Samuel W. Adams	J. Edgar Hadden	Brodie Payne
J. E. Bickett	Thos. O. Holder	S. R. Powell
W. M. Boling	R. O. Huntsman	R. I. Rice
Thos. Bowman	H. R. Lawrence	J. L. Richardson
Berl Boyd	Leon P. Lewis	Lee L. Simons
John E. Brown	Martin Light	Reuben E. Skaggs
Sam A. Cary	Rufus Lisle	George W. Smith
Lee Clark	C. C. May	R. F. Stewart
E. B. Cross	Harry J. Meyers	Frank L. Strange
Bryce Cundiff	Claude D. Minor	D. D. Thornberry
O. A. Denton	R. C. Moore	John M. Tinsley
A. W. Dorsey	Ed. P. Murrah	N. I. Toombs
G. Lucien Drury	B. A. Muster	Chas. B. Truesdell
George W. Ellis	C. D. McCaw	Oscar Vest
Mrs. M. E. Flannery	R. D. McMurtry	W. T. Walker
Dr. H. M. Fultz	Geo. W. Newman	W. D. Watkins
Bryant Green	D. A. O'Donovan	W. G. Wheeler
Ed. A. Gullion	James Park	J. B. Wicker

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Resolved that the title thereof be as aforesaid.

Mr. Minor moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 120. An Act providing that the desertion of a pregnant wife by her husband shall be a felony, prescribing penalties therefor and amending subsec. 1 of sec. 331-i of chapter 18 of the Kentucky Statutes, which was an Act of March 4, 1916, pertaining to the desertion and abandonment of children.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Subsection One (1) of Section 331-i of Chapter 18 of the Kentucky Statutes, which was an Act of March 4, 1916, pertaining to the desertion and abandonment of children, is hereby amended by inserting in said section the following provision: "or any married man who shall leave, desert or abandon his wife while pregnant by him, leaving said wife in destitute or indigent circumstances and without making proper provision for the board, clothing and proper care of said wife in a manner suitable to the condition and station in life of said married man and wife" so that said Subsection One (1) of Section 331-i of Chapter 18 of the Kentucky Statutes, when amended, will read as follows:

The parent of any child or children residing in this Commonwealth who shall leave, desert or abandon said child or children under the age of sixteen years, leaving said child or children in destitute or indigent circumstances and without making proper provision for the board, clothing, education and proper care of said child or children in a manner suitable to the condition and station in life of said parent and said child and children, or any married man who shall leave, desert, or abandon his wife while pregnant by him leaving said wife in destitute or indigent circumstances and without making proper provision for the board, clothing and proper care of said wife in a manner suitable to the condition

and station in life of said married man and wife shall be guilty of a felony and upon conviction thereof shall be punished by confinement in the penitentiary for not less than one year nor more than five years in the discretion of the court or jury trying the case.

All acts and parts of acts in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Samuel W. Adams	Dr. H. M. Fultz	R. I. Rice
J. E. Bickett	Bryant Green	J. L. Richardson
W. M. Boling	J. Edgar Hadden	Lee L. Simons
J. F. Bosworth	Thos. O. Holder	Reuben E. Skaggs
Thos. Bowman	Lester Jeter	George W. Smith
Berl Boyd	H. R. Lawrence	R. F. Stewart
John E. Brown	Leon P. Lewis	H. Q. Thompson
W. R. Button	Martin Light	D. D. Thornberry
Sam A. Cary	Rufus Lisle	N. I. Toombs
Chas. Chandler	R. C. Moore	Chas. B. Truesdell
Lee Clark	Ed. P. Murrah	Fred C. Vanhooose
E. B. Cross	B. A. Muster	Oscar Vest
Bryce Cundiff	C. D. McCaw	W. T. Walker
J. C. Day	R. D. McMurtry	W. S. Wallen
O. A. Denton	E. E. Nelson	W. D. Watkins
A. W. Dorsey	Chas. A. Nelson	W. G. Wheeler
G. Lucien Drury	Geo. W. Newman	J. B. Wicker
George W. Ellis	D. A. O'Donovan	T. C. Willis
Mrs. M. E. Flannery	S. R. Powell	

Resolved that the title thereof be as aforesaid.

Mr. Minor moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 113. An Act to amend an Act entitled: "An Act defining boundaries for school districts embracing cities of the fourth class and providing systems of schools in such districts and creating Boards of Education for such districts, providing for the election thereof, defining their powers and duties and repealing all laws in conflict therewith."

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 19 of an act of the Legislature of Kentucky, approved March 13, 1920, published as chapter 14 of the Acts of 1920, entitled, "An Act Defining Boundaries for School Districts Embracing Cities of the Fourth Class and providing Systems of Schools in such Districts and Creating Boards of Education for such District, Providing for the Election Thereof, Defining Their Powers and Duties and Repealing all Laws in Conflict Therewith," be and the same is hereby repealed and there is now enacted as a substitute therefor the following:

"Section 19. Before making any tax levy it shall be the duty of said Board of Education to make a careful estimate of the amount of money necessary to be raised (over and above

the amount due or to become due to it from the State as provided in Section 21 of the Act to which this is an amendment) for purposes as follows:

- a. For maintaining the schools.
- b. For repair and improvement of buildings.
- c. For sinking fund purposes.
- d. For paying incidental expenses and any other lawful claims against the school district.

Said estimate shall be entered in full upon the minute book of the Board. The failure to make such estimate, however, shall not invalidate the levy.

At least thirty days prior to the time prescribed in the charter of cities of the fourth class for the tax levy to be made for city purposes, it shall be the duty of said Board of Education, in districts where the boundary thereof is identical with the boundary of a city of the fourth class, to levy and ad valorem tax for school purposes upon all property of every kind in the city assessed or subject to taxation for city purposes. Said tax shall be at such a rate as will produce in that year the sum estimated by the Board as necessary to be raised for the aforesaid purposes. The Board shall also levy a poll tax on each person assessed for poll tax by said city, but the ad valorem taxes for all school purposes exclusive of sinking fund shall not exceed \$1.50 on each \$100.00 of assessed value and the poll tax shall not exceed \$2.00 for each poll. The assessment made for the city shall be also the assessment for the school district. Said levy shall be certified by the Board of Education to the General Council or Board of Commissioners of the city and said General Council or Board of Commissioners shall cause the taxes accruing thereunder to be added to and included in the regular tax bills rendered by the city for city purposes and shall cause said tax to be collected by the same officers and in the same manner and at the same time as taxes are collected for city purposes.

All powers and duties conferred upon and required of officers in collecting taxes for city purposes are hereby conferred upon and required of them in collecting the taxes levied by the Board of Education. The Board shall pay to the officer collecting the tax a reasonable compensation but not exceeding 2% on the amount collected.

At least thirty days prior to the time when the Fiscal Court of the county is required to make its levy for county purposes, it shall be the duty of the Board of Education in districts where the boundary includes a city of the fourth class together with other territory, to levy an ad valorem tax for school purposes upon all property of every kind in the district assessed for county purposes. Said tax shall be at such a rate as will produce in that year the sum estimated by the Board as necessary to be raised for school purposes in the district. The Board shall also levy a poll tax on each person assessed for poll tax by the county but the ad valorem tax (for all school purposes exclusive of sinking fund) shall not exceed \$1.50 on each \$100.00 of assessed value and the poll tax shall not exceed \$2.00 for each poll. The assessment made for the county shall be the assessment for each school district. Said levy shall be certified by the Board of Education to the Fiscal Court of the county and said Fiscal Court shall require the county clerk to cause the taxes accruing thereunder to be added to and included in the regular tax bills rendered by the county for county purposes and cause the same to be collected by the same officers and in the same manner and at the same time as the taxes are collected for county purposes.

All powers and duties conferred upon and required of officers in collecting taxes for county purposes are hereby conferred upon and required of them in collecting taxes levied by the Board of Education. The Board shall pay to the officer for collecting the taxes a reasonable compensation not exceeding 2% on the amount collected.

The officer collecting the school tax and the sureties upon his bond shall severally be liable under his official bond or bonds for any failure in the performance of his duties. Within ten days after the close of each calendar month the collecting officer of said city or county shall promptly pay to the treasurer of the Board of Education all sums collected by him during the preceding months less his commissions and upon his failure to do so the Board of Education shall have the right to institute suit against him and his bondsmen upon his official bond for all sums collected and unpaid by him. The Board of Education shall certify to the General Council or Board of Commissioners of the city or to the Fiscal Court of the county (as the case may be) the name and address of its treasurer and of any change in said name or address.

The limitation hereinbefore prescribed upon the rate of tax that may be levied for school purposes shall not apply where a bonded indebtedness has been incurred for public school purposes and when such indebtedness has been incurred there may be levied in addition to the tax heretofore authorized an ad valorem tax sufficient to pay the interest on said indebtedness and also to constitute a sinking fund for the payment of the principal thereof. The provision hereof shall apply to any bonded indebtedness whether heretofore or hereafter created.

The failure of the Board of Education by inadvertence or otherwise to make a levy within the time prescribed shall not invalidate any levy made thereafter."

§ 2. That so much of section 20 of the Act to which this is an amendment as is quoted herein be and the same is hereby repealed, said portion being as follows:

"It shall also be the duty of the Fiscal Court of the county in which such school district is located if it embraces any territory outside of said city to make the necessary levy of the property in such district outside of the boundary of the city in order to liquidate the said bonded indebtedness.

The same rate of taxation for liquidating said bonded indebtedness shall apply in the city and in the territory in such district beyond the city."

§ 3. That so much of Section 31 of the Act to which this is an amendment as is quoted in this section is hereby repealed, said portion of said Section 31 is as follows, to-wit:

"If at any time the boundary of a school district extends beyond the boundary of said city, the Board of Education shall file a copy of the estimate of the amount of money necessary to conduct the schools with the Fiscal Court of the county in which said city is located and shall estimate the amount of money which may be received from the city and from the territory beyond the limits of said city which is included in the school district and the Fiscal Court of said county shall make a levy to cover its proportional part of said taxes on the property in said school district which is located outside of the city limits. The rate of taxation by the General Council or Board of Commissioners and by the Fiscal Court in such school district shall be the same in all cases."

§ 4. Whereas there is a grave doubt as to the constitutionality of some of the provisions of Sections 19, 20 and 31 of this Act to which this is an amendment and it is necessary to relieve any uncertainty in regard thereto an emergency is hereby declared to exist and this law shall be in full force and effect upon its passage.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill

in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

J. E. Bickett	R. O. Huntsman	S. R. Powell
J. F. Bosworth	Lester Jeter	R. I. Rice
Thos. Bowman	H. R. Lawrence	J. L. Richardson
Berl Boyd	Leon P. Lewis	Arthur Saunders
John E. Brown	Rufus Lisle	Lee L. Simons
W. R. Button	Harry J. Meyers	Reuben E. Skaggs
Sam A. Cary	Harry B. Miller	Ira D. Smith
E. B. Cross	Claude D. Minor	R. F. Stewart
Bryce Cundiff	B. A. Muster	D. D. Thoraberry
A. W. Dorsey	C. D. McCaw	John M. Tinsley
George W. Ellis	R. D. McMurtry	Garnett W. Tolin
Mrs. M. E. Flannery	E. E. Nelson	N. I. Toombs
Dr. H. M. Fultz	Chas. A. Nelson	Chas. B. Truesdell
Bryant Green	Geo. W. Newman	Oscar Vest
Ed. A. Gullion	D. A. O'Donovan	W. S. Wallen
Arch L. Hamilton	James Park	W. D. Watkins
Thos. O. Holder	Brodie Payne	—50

There voted in the negative—

Lee Clark	—1
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Resolved that the title thereof be as aforesaid.

Mr. Minor moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 246. An Act to amend and re-enact sec. 11 of chapter 69 of the Acts of the General Assembly of 1918, entitled:

“An Act to suppress, prevent, control and eradicate communicable diseases in live stock; to provide the necessary officers and define their duties, and to appropriate funds necessary for its enforcement, and repealing sec. 63a, of article 2, Chapter 5, Carroll’s 1915 Edition of Kentucky Statutes.”

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 11 of Chapter 69 of the Acts of the General Assembly of 1918 be and the same is hereby amended and re-enacted, so that said section when so amended and re-enacted shall read as follows:

Section 11. That any person manufacturing anti-hog cholera serum, hog cholera virus, or any other product used in the prevention or treatment of swine diseases, shall before any of said products are sold or offered for sale in this State, pay or cause to be paid to the chairman of the board an annual license fee of fifty dollars and shall execute bond in the sum of five thousand dollars for their faithful compliance with the laws, rules and regulations of the board, said bond to be acceptable to the chairman of the board. All licenses or forfeitures under this Act shall be paid to the chairman and shall be used in the same manner as the funds appropriated for the use of the board. Any person violating the provisions of this section shall upon conviction be fined not less than five hundred dollars nor more than five thousand dollars. Any veterinarian, or other person, who knowingly purchases or uses anti-hog cholera serum, hog cholera virus, or any other product used in the prevention or treatment of swine diseases, manufactured and sold by any person, who has not complied with the provisions of this section, shall be guilty of a misdemeanor and upon conviction shall be fined not less than ten dollars nor more than fifty dollars for each offense. Pro-

vided, however, that nothing in this Act shall be construed to prohibit any pharmacist, regularly licensed under the laws of the State of Kentucky from selling in this State anti-hog cholera serum, hog cholera virus, or any other product used in the prevention or treatment of swine diseases, which have been government inspected and approved, provided said serum, virus or product is sold by a manufacturing concern licensed under the provisions of this section to sell same in Kentucky.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Samuel W. Adams	J. Edgar Hadden	Geo. W. Newman
J. E. Bickett	R. O. Huntsman	D. A. O'Donovan
W. M. Boling	Ira Jones	James Park
J. F. Bosworth	H. R. Lawrence	Brodie Payne
Thos. Bowman	Leon P. Lewis	S. R. Powell
Berl Boyd	Martin Light	Arch M. Quarles
John E. Brown	Rufus Lisle	R. I. Rice
J. C. Day	C. C. May	J. L. Richardson
O. A. Denton	Harry J. Meyers	Arthur Saunders
A. W. Dorsey	Harry B. Miller	Lee L. Simons
G. Lucien Drury	Claude D. Minor	George W. Smith
George W. Ellis	R. C. Moore	R. F. Stewart
Mrs. M. E. Flannery	B. A. Muster	Frank L. Strange
Dr. H. M. Fultz	C. D. McCaw	D. D. Thornberry
W. L. Gossett	R. D. McMurtry	John M. Tinsley
Ed. A. Gullion	E. E. Nelson	N. I. Toombs

Chas. B. Truesdell	W. T. Walker	J. B. Wicker
Fred C. Vanhoose	W. D. Watkins	
Oscar Vest	W. G. Wheeler	

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Resolved that the title thereof be as aforesaid.

Mr. Minor moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Minor moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

WEDNESDAY, MARCH 15, 1922.

The House was opened with prayer by the Rev. M. S. Clark of the Methodist Episcopal Church of Frankfort.

Mr. Simons moved that the roll call be dispensed with.

Said motion was agreed to.

The reading of the Journal of yesterday's proceedings was dispensed with.

Mr. Lawrence offered the following resolution, viz.:

Whereas, there is now pending in the Senate House Bill 412, providing for the creation of an Efficiency Commission of four members with power and authority to make a survey of and inquire into and report concerning all departments, commissions, boards, arms and branches of the State Gov-

ernment as well as all institutions supported in whole or in part by public funds, and to report on all existing sources of revenue; and

Whereas, by the terms of said bill it is provided that the four members shall be appointed by the Governor, by and with the advice and consent of the Senate; and

Whereas, by informal conference held between the Democratic and Republican members of the two Houses of the General Assembly and the Governor, it was agreed and understood that the Governor would appoint and send to the Senate for confirmation as members of the said Commission the names of the four persons recommended to him by the General Assembly.

Now, therefore, be it resolved by the Senate and House of Representatives:

That the Governor be requested to appoint and send to the Senate for its confirmation at the present session the following persons, to constitute said Efficiency Commission of four members, viz.:

J. Guthrie Coke of Logan County.

Catesby Spears of Bourbon County.

Timothy Fields of Boyd County.

William Heyburn of Jefferson County.

Mr. Lawrence moved that the Rules be suspended and that said resolution be taken up for consideration.

Said motion was agreed to.

Said resolution was adopted.

A message was received from the Senate announcing that they had passed bills of the following titles, viz.:

H. B. 325. An act to amend and re-enact Section 110 of Code of Practice in criminal cases relating to the presence of persons before the Grand Jury.

H. B. 339. An Act relating to revenue and taxation; repealing an Act approved March 29, 1918, being Chapter 122 of Session Acts and also known as Sections 4223c-1 to 4223c-9, inclusive, Vol. 3 of Carroll's 1915 Kentucky Statutes and re-enacting same with certain amendments; fixing the annual tax rate on oil and gas wells and leases, producing and non-producing, with their equipment, development and operations in and on same, subject to taxation; fixing the date of assessment; prescribing by whom the tax shall be paid; limiting the local rate of ad valorem taxes on such property; providing for the assessment, equalization and collection of the tax.

Ordered that said bills be delivered to the Enrolling Clerk of this House.

The House took up for consideration from the Orders of the Day a bill entitled:

S. B. 223. An Act to amend subsection 7 of section 1019a of the Act approved February 27, 1920, the same being Chapter 2 of the Acts of the General Assembly of the Commonwealth of Kentucky at its 1920 Session, entitled: "An Act to amend subsection 7 of Section 1019a of the Act approved March 29, 1902, entitled, 'An Act to provide for stenographic reporters for courts of continuous session.' "

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. That Subsection 7 of Section 1019a of an act approved February 27, 1920, entitled: "An Act to amend Subsection 7 of Section 1019a of the act approved March 29, 1902, entitled: 'An Act to provide for stenographic reporters for courts of continuous session' " (being Subsection 7 of Section 1019a of Carroll's Kentucky Statutes, Edition of 1915, as amended by an act of the General Assembly of the Commonwealth of Kentucky at its 1920 session, same being Chapter 2 of the Acts of said General Assembly), be and it is hereby amended by striking therefrom the words, "Said reporter shall receive for making transcripts of evidence taken by him fifteen cents per hundred words original copy and six cents per page for each duplicate thereof," and by adding instead of the words so stricken, the following: "For making transcript of evidence taken by him, said reporter shall receive twenty-five cents per page original copy and ten cents per page for each duplicate thereof, said pages to average not less than thirty lines of not less than eleven words each."

So that said subsection when so amended shall read as follows:

"Said reporter shall receive for his services in taking stenographic notes a salary of not less than twelve hundred dollars nor more than eighteen hundred dollars per annum, to be fixed by the fiscal court of the county in which the court appointing said reporter is held, and to be paid in monthly installments by said county. Said reporter shall receive for making transcript of evidence taken by him thirty cents per page original copy and twelve and one-half cents per page for each duplicate thereof, said pages to average not less than thirty lines each. In civil actions or proceedings the fees of making any transcript or duplicate shall be paid by the party upon whose motion such transcript or duplicate is

made, such fees to be taxed as part of the costs in the case. In criminal cases the fees for making transcripts and duplicates shall be paid by the county in which such court shall be held, whenever said transcript and duplicate are made upon the motion of the Commonwealth. If such transcript or duplicate is made upon the motion of the defendant in a criminal case, such defendant shall pay the fees therefor, unless the court is satisfied that he is unable to do so, in which event such fees shall be paid by said county."

2. All acts and parts of acts in conflict with this act are hereby repealed.

3. This act shall take effect and be in force from and after its approval by the Governor.

Mr. Adams offered the following amendment, viz.:

"Amend S. B. 223 by striking out of line 13 the words 'twenty-five' and insert in lieu thereof the word 'thirty.'

"Strike out of line 14 the word 'ten' and insert in lieu thereof the words 'twelve and one-half.'

"Strike out of line 15 the words 'of not less than eleven words.'"

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, and the same being engrossed it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Samuel W. Adams	C. W. Bennett	Berl Boyd
R. M. Amos	J. E. Bickett	John E. Brown
B. C. Beckmann	W. M. Boling	Sam A. Cary

Chas. Chandler	Leon P. Lewis	Reuben E. Skaggs
Lee Clark	Martin Light	George W. Smith
E. B. Cross	Harry J. Meyers	Ira D. Smith
Bryce Cundiff	Harry B. Miller	R. F. Stewart
J. C. Day	Claude D. Minor	Frank L. Strange
G. Lucien Drury	S. H. Moore	H. V. Thompson
H. C. Duffy	Ed. P. Murrah	Geo. F. Thompson
W. D. Duncan	C. D. McCaw	H. Q. Thompson
Dr. H. M. Fultz	W. T. McGuire	S. G. Thornberry
W. L. Gossett	R. D. McMurtry	D. D. Thornberry
Ed. A. Gullion	E. E. Nelson	John M. Tinsley
J. Edgar Hadden	Geo. W. Newman	Garnett W. Tolin
Arch L. Hamilton	C. C. Oney	Chas. B. Truesdell
H. C. Hawkins	Brodie Payne	Fred C. Vanhoose
Thos. O. Holder	H. Walter Pierce	W. T. Walker
N. T. Hopkins	Arch M. Quarles	W. S. Wallen
David J. Howard	R. I. Rice	W. D. Watkins
J. T. Jennings	J. L. Richardson	W. G. Wheeler
Wright Kelly	Arthur Saunders	
H. R. Lawrence	Lee L. Simons	

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Resolved that the title thereof be as aforesaid.

Mr. Simons moved that the vote by which said bill was passed be reconsidered and that motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 119. An Act to amend and re-enact Sec. 3845 of Kentucky Statutes, Carroll's Edition.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 3845 of Kentucky Statutes, Carroll's 1915 Edition, be and the same is hereby amended and re-enacted,

so that when amended and re-enacted same shall read as follows:

When the powers of one executor or administrator cease, the remaining executor, executors, administrator or administrators, if any there be, may execute the trust, or, if none, administration *de bonis non* may be granted, and, if there be a will with it, annexed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were —

Samuel W. Adams	Dr. H. M. Fultz	R. C. Moore
R. M. Amos	Bryant Green	S. H. Moore
B. C. Beckmann	Ed. A. Gullion	Ed. P. Murrah
C. W. Bennett	J. Edgar Hadden	B. A. Muster
J. E. Bickett	Arch L. Hamilton	C. D. McCaw
W. M. Boling	H. C. Hawkins	W. T. McGuire
Thos. Bowman	Thos. O. Holder	R. D. McMurtry
Berl Boyd	N. T. Hopkins	E. E. Nelson
John E. Brown	David J. Howard	Geo. W. Newman
Chas. Chandler	Lester Jeter	C. C. Oney
Lee Clark	Ira Jones	James Park
E. B. Cross	Wright Kelly	Brodie Payne
Bryce Cundiff	S. B. Lane	H. Walter Pierce
J. C. Day	H. R. Lawrence	Arch M. Quarles
O. A. Denton	Leon P. Lewis	R. I. Rice
G. Givens Dixon	Martin Light	David I. Scott
A. W. Dorsey	Rufus Lisle	George W. Smith
G. Lucien Drury	C. C. May	Ira D. Smith
George W. Ellis	Harry B. Miller	R. F. Stewart
Emery L. Frazier	Claude D. Minor	Frank L. Strange

H. V. Thompson	Garnett W. Tolin	W. T. Walker
Geo. F. Thompson	N. I. Toombs	W. S. Wallen
D. D. Thornberry	Fred C. Vanhooose	W. G. Wheeler
John M. Tinsley	Geo. C. Waggoner	T. C. Willis

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Resolved that the title thereof be as aforesaid.

Mr. Minor moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 118. An Act to amend and re-enact Subsec. 1 of Section 4636c, Kentucky Statutes, Carroll's 1918 Edition, relating to the appointment and qualification of the Board of Trustees of the University of Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Subsection 1 of Section 4636c, Kentucky Statutes, Carroll's 1918 Edition, be and the same is hereby amended and re-enacted, so that when so amended and re-enacted, said subsection shall read as follows:

The government, administration and control of the University of Kentucky is hereby vested in a Board of Trustees, constituted and appointed as follows: The Governor of Kentucky, who shall be chairman of the Board; the Superintendent of Public Instruction and the Commissioner of Agriculture, Labor and Statistics, who shall be ex-officio members, and twelve citizens of Kentucky, discreet, intelligent and prudent, who shall be appointed by the Governor of Kentucky.

Four of each shall be appointed each biennium for a term of six years, and until their successors are appointed. One of the four so appointed shall be a member of the State Board of Agriculture, one shall be appointed from among three alumni nominated to the Governor by the alumni of the University, and the other two shall be distinguished citizens of the Commonwealth, one of whom shall be appointed from each of the political parties having the right to appoint a member of the State Board of Election Commissioners. With the exception of the members of the Board of Trustees appointed upon the nomination of the alumni of the University, no two members of the Board of Trustees who are appointed by the Governor shall be residents of any one county of Kentucky. All appointments as members of the Board of Trustees by the Governor shall be made during the month of January in the even years. The Board of Trustees of the University shall prescribe the method by which the alumni of the University shall make the nominations to the Governor of the three person from whom the alumni members of the Board of Trustees shall be appointed. Each alumnus shall be permitted to vote, but no alumnus shall be permitted to vote for the nomination of alumni trustees in the year in which such alumnus has received his or her degree. No member of the Board of Trustees shall be held to be a public officer by reason of his or her membership on said Board; Provided, however, as soon as this act shall become effective the terms of the present members of the Board of Trustees of the University shall expire, and the Governor shall appoint twelve members of the Board of Trustees, four of whom shall serve until January, 1920, four of whom shall serve until January, 1922, and four of whom shall serve until January, 1924, and until their successors are appointed. In making such appointments the Governor shall appoint for each of said terms one member of the State Board of Agriculture, one alumnus of the institution, and two distinguished citizens, one of whom shall be a member of each of the political parties in

the State having the right to name a member of the State Board of Election Commissioners. In case of vacancies by resignation, removal or death, the Governor shall fill such vacancies in the same manner as provided for the appointment of members of the Board.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Samuel W. Adams	Ed. A. Gullion	W. T. McGuire
R. M. Amos	J. Edgar Hadden	R. D. McMurtry
B. C. Beckmann	Arch L. Hamilton	E. E. Nelson
C. W. Bennett	H. C. Hawkins	C. C. Oney
J. E. Bickett	Thos. O. Holder	James Park
W. M. Boling	N. T. Hopkins	Brodie Payne
J. F. Bosworth	David J. Howard	H. Walter Pierce
Berl Boyd	Wright Kelly	S. R. Powell
John E. Brown	S. B. Lane	Arch M. Quarles
Sam A. Cary	H. R. Lawrence	R. I. Rice
Lee Clark	Leon P. Lewis	J. L. Richardson
E. B. Cross	Martin Light	David I. Scott
Bryce Cundiff	Rufus Lisle	Lee L. Simons
J. C. Day	C. C. May	George W. Smith
G. Givens Dixon	Harry J. Meyers	Ira D. Smith
A. W. Dorsey	Harry B. Miller	R. F. Stewart
G. Lucien Drury	Claude D. Minor	H. V. Thompson
George W. Ellis	R. C. Moore	Geo. F. Thompson
Mrs. M. E. Flannery	S. H. Moore	S. G. Thornberry
Emery L. Frazier	Ed. P. Murrah	D. D. Thornberry
W. L. Gossett	B. A. Muster	John M. Tinsley
Bryant Green	C. D. McCaw	Garnett W. Tolin

N. I. Toombs	Geo. C. Waggoner	W. D. Watkins
Chas. B. Truesdell	W. T. Walker	J. B. Wicker
Fred C. Vanhoose	W. S. Wallen	T. C. Willis

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Resolved that the title thereof be as aforesaid.

Mr. Minor moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 180. An Act to amend and re-enact Sections 7 and 8 of Chapter 24 of the Session Acts of the General Assembly 1920, said Act being entitled, "An Act creating the Kentucky Geological Survey, designating its executive officer and his duties and providing funds for its maintenance."

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) That Section 7 of chapter 34 of the session acts of the General Assembly of the Commonwealth of Kentucky entitled as above set out be and the same is now repealed and that said section be and the same now is re-enacted in lieu thereof and to read as follows, to-wit: That for the purpose of base (topographic mapping and geologic rock asphalt) mapping of rock asphalt and associated deposits in the counties of Carter, Greenup, Lewis, Rowan, Elliott, Morgan, Menifee, Johnson, Edmonson, Grayson, Breckinridge, Hancock, Hardin, Hart, Warren, Butler, Muhlenberg, Ohio, Logan and Todd, and in other counties in which such deposits may be

found in course of field examinations and for the printing and engraving of maps and reports covering such examination and for such other general purposes of geological survey administration as may pertain thereto, including such co-operation with the Geological Survey of the United States in addition to that provided for in section 9 of this Act, as the Director of the Kentucky Geological Survey may indicate or deem proper, there is hereby appropriated the sum of fifteen thousand (\$15,000) dollars per annum for the fiscal years ending June 30th, 1923, and June 30th, 1924, from any moneys in the Treasury not otherwise appropriated, and in addition to the appropriation made by the Budget Act of 1922. The Director and State Geologist shall write and publish the results of these rock asphalt investigations as soon as possible. The printing and distribution of such maps and reports to be carried out as is provided for in section 8 of this act.

(2) That section 8 of aforesaid act be and the same is hereby repealed, and same is now amended and re-enacted, and as amended and re-enacted shall read as follows, to-wit:

The geological, mineral resources and other reports of the survey shall be prepared as rapidly as possible, and shall be reviewed, edited and approved for printing by the Director of the Kentucky Geological Survey, the cost thereof to be paid out of the funds of the Kentucky Geological Survey. The Director of said Survey is authorized to publish in the daily and weekly newspapers, trade journals, geological magazines, or in pamphlet or book form or otherwise as he may deem proper any geological discoveries or results of explorations or investigations which he may deem to be of especial interest, the cost of such publications and that of all other general printing including reports and maps called for in this and other sections of this act to be paid for out of any funds appropriated to said survey and any money received for such maps and reports together with any other moneys earned or received by the Survey, which latter shall be paid into the State Treasury, received by the Treasurer and by him credit-

ed to the general funds of the Kentucky Geological Survey, and same to be and remain a fund for the purpose of said Survey. Such bulletins, reports and maps as may be prepared by the Kentucky Geological Survey shall be sold at the nominal charge of the approximated cost thereof to the State plus average postage, the price thereof to be determined by the Director and State Geologist. Provided, however, that the Director shall furnish single copies of such maps and bulletins and reports as may be published to the members of the General Assembly and to State Executive and administrative Officers and all Professional Publications and exchanges without payment.

(3) All laws or parts of laws in conflict with this act or its provisions are hereby repealed and held for naught.

(4) Since there is much data and information in the hands of the Director of the Kentucky Geological Survey with relation to clays, building stones, fluorspar, coal and petroleum, etc., which would be of incalculable use and benefit to the State of Kentucky and to the public generally, in the form of information, reports and proposed maps and it being impossible to furnish the persons entitled thereto with the information, reports and maps without the necessary means therefor, and since Kentucky is being retarded in the proper development of its resources, especially rock asphalt and other road building materials, by reason of a lack of base maps and detailed information, an emergency is declared to exist, and this act shall be and become a law immediately upon its passage and proper endorsement.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill

in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Samuel W. Adams	Ed. A. Gullion	R. I. Rice
R. M. Amos	J. Edgar Hadden	J. L. Richardson
B. C. Beckmann	Arch L. Hamilton	Arthur Saunders
C. W. Bennett	Thos. O. Holder	Lee L. Simons
J. E. Bickett	N. T. Hopkins	Reuben E. Skaggs
W. M. Boling	J. T. Jennings	George W. Smith
J. F. Bosworth	Lester Jeter	Ira D. Smith
Thos. Bowman	Ira Jones	R. F. Stewart
Berl Boyd	Wright Kelly	Frank L. Strange
John E. Brown	H. R. Lawrence	H. V. Thompson
Sam A. Cary	Leon P. Lewis	Geo. F. Thompson
Chas. Chandler	Martin Light	S. G. Thornberry
Lee Clark	Rufus Lisle	D. D. Thornberry
E. B. Cross	C. C. May	John M. Tinsley
Bryce Cundiff	Harry J. Meyers	N. I. Toombs
O. A. Denton	Harry B. Miller	Fred C. Vanhooose
G. Givens Dixon	S. H. Moore	Oscar Vest
A. W. Dorsey	Ed. P. Murrah	Geo. C. Waggoner
G. Lucien Drury	B. A. Muster	W. T. Walker
H. C. Duffy	C. D. McCaw	W. S. Wallen
W. D. Duncan	E. E. Nelson	W. D. Watkins
George W. Ellis	Chas. A. Nelson	W. G. Wheeler
Mrs. M. E. Flannery	Geo. W. Newman	J. B. Wicker
Emery L. Frazier	C. C. Oney	T. C. Willis
Dr. H. M. Fultz	H. Walter Pierce	
W. L. Gossett	S. R. Powell	

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Resolved that the title thereof be as aforesaid.

Mr. Minor moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House

took up for consideration from the Orders of the Day a bill entitled:

S. B. 184. An Act to amend and re-enact Section 2072 of the Kentucky Statutes, Carroll's Edition of 1915, Chapter 64, Article 1, and concerning the control of adoptions; control of adopted persons of infants; consent by parents of institutions to adoptions; contracts connected with adoptions; and the powers and procedure of circuit courts in such cases.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 2072 of the Kentucky Statutes (Carroll's Edition of 1915) Chapter 64, Article 1, is hereby amended and re-enacted so as to be and read as follows:

Said court, upon petition filed, shall have the authority, by consent of the parents, or either of them, if one be dead, or by consent of the mother if the infant be illegitimate, or by consent of any institution in this State carrying on welfare work for neglected, dependent or delinquent children, if the person to be adopted be an infant that has previously been committed to said institution by order of a juvenile or county court made one year or more prior to the filing of the petition for adoption, to give the petitioner the parental control of such adopted person, if an infant; and said petitioner, when the adoption is effected, shall be under the same rights and responsibilities as if the person so adopted were his own child: Provided, however, that no adoption of an infant already committed, as aforesaid, to the institution shall be made by order or judgment of said court (except upon the actual consent of the parent or parents) unless it be shown to the court, at the time that the petition for adoption is filed, that there has been published, once a week for four weeks, in a newspaper published in the county from which the infant was committed

by the county or juvenile court, or if no newspaper is published in that county, then in one published in an adjoining or neighboring county, an advertisement reciting the fact that such institution will proceed to give its consent to the adoption of the infant under the provisions of this section; and provided, also, that, if there be any objection to the adoption, the court shall hear and determine the matter as in any equitable action; and provided, also, that the petition for adoption may be filed and the adoption made in the county where the petitioner resides or in the county where said institution is located; and also provided that such court shall have the right to allow and establish, by its order or judgment, terms of contract between any party or parties to such adoption and said petitioner with respect to the infant to be adopted; and provided, also, that any circuit court having jurisdiction at any time shall have the power, for violation of such terms or any of them, to annul the adoption of such infant person and commit such infant person to the person or institution originally concerned in the welfare of the infant and making such terms. If after the adoption of any child under the provisions of this act, said child shall die intestate, any property owned by such child so adopted at the time of the death of such child shall pass under the intestate laws of this State in the same manner as if such child were the natural child of those who adopted it, except such property, if any, which it may have inherited from its blood relations.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

R. M. Amos	Wright Kelly	George W. Smith
B. C. Beckmann	H. R. Lawrence	Ira D. Smith
C. W. Bennett	Leon P. Lewis	R. F. Stewart
J. E. Bickett	C. C. May	Frank L. Strange
W. M. Boling	Harry J. Meyers	H. V. Thompson
Thos. Bowman	Harry B. Miller	H. Q. Thompson
Berl Boyd	Claude D. Minor	Geo. F. Thompson
Sam A. Cary	S. H. Moore	S. G. Thornberry
F. B. Cross	B. A. Muster	D. D. Thornberry
O. A. Denton	C. D. McCaw	John M. Tinsley
W. D. Duncan	R. D. McMurtry	N. I. Toombs
George W. Ellis	E. E. Nelson	Fred C. Vanhooose
Mrs. M. E. Flannery	Geo. W. Newman	Geo. C. Waggoner
Emery L. Frazier	C. C. Oney	W. T. Walker
W. L. Gossett	Brodie Payne	W. D. Watkins
J. Edgar Hadden	H. Walter Pierce	W. G. Wheeler
H. C. Hawkins	S. R. Powell	J. B. Wicker
N. T. Hopkins	Arch M. Quarles	T. C. Willis
David J. Howard	R. I. Rice	
Ira Jones	J. L. Richardson	

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Resolved that the title thereof be as aforesaid.

Mr. Minor moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 84. An Act to amend and re-enact Sec. 815, Kentucky Statutes, Carroll's 1915 Edition.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section Eight Hundred Fifteen of the Kentucky Statutes (Carroll's Edition One Thousand Nine Hundred

Fifteen), relating to railroad companies and to condemnation of land to mine or stone quarries be amended by inserting immediately after the following words on the first line of said section "Any person," the following words "On corporation, who is the owner, lessee or," and insert immediately after the following words on the fourth line of said section, "Operate a line of railroad," the following words: "Tram road or motor road," and insert immediately after the following words on fifth line of said section, "Such mine or quarry," the words "Over and through the lands of the adjacent owner or owners" so that said section when so amended shall read:

Sec. 815. Mine or Quarry—Road From to Railroad or River—Condemnation of Land.—Any person or corporation who is the owner, lessee or engaged in operating a mine or stone quarry within three miles of any navigable stream or railroad, may, for the purpose of transporting material to and from such stream or railroad and such mine or quarry, construct and operate a line of railroad, tram road or motor road from such mine or quarry over and through the lands of the adjacent owner or owners, to the most convenient and accessible point on said stream or road, and may, under the general laws, condemn such land as may be necessary, not exceeding fifty feet in width for each track necessarily constructed, and not exceeding two acres of land at such railroad of stream for the purpose of necessary buildings. The owner or operator of such railroad shall be, so far as they are applicable, governed and controlled by the laws relating to other railroad companies and shall have the same rights and privileges granted to corporations owning and operating lines of railroad.

Mr. Meyers moved that said bill lie on the table.

Said motion was agreed to.

The yeas and nays being required thereon by Messrs. Drury and Denton were as follows, viz.:

Those who voted in the affirmative were—

Samuel W. Adams	R. O. Huntsman	George W. Smith
B. C. Beckmann	J. T. Jennings	R. F. Stewart
J. F. Bosworth	S. B. Lane	Frank L. Strange
W. R. Button	Martin Light	H. V. Thompson
Sam A. Cary	C. C. May	Geo. F. Thompson
Chas. Chandler	Harry J. Meyers	H. Q. Thompson
Lee Clark	Harry B. Miller	D. D. Thornberry
E. B. Cross	Claude D. Minor	John M. Tinsley
Bryce Cundiff	S. H. Moore	Garnett W. Tolin
O. A. Denton	C. D. McCaw	N. I. Toombs
H. C. Duffy	W. T. McGuire	Chas. B. Truesdell
George W. Ellis	R. D. McMurtry	John L. Trumbo
Mrs. M. E. Flannery	E. E. Nelson	Oscar Vest
W. L. Gossett	Geo. W. Newman	W. T. Walker
J. Edgar Hadden	C. C. Oney	W. S. Wallen
Arch L. Hamilton	James Park	W. D. Watkins
H. C. Hawkins	H. Walter Pierce	W. G. Wheeler
Thos. O. Holder	S. R. Powell	J. B. Wicker
N. T. Hopkins	Arch M. Quarles	T. C. Willis
David J. Howard	Arthur Saunders	

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Those who voted in the negative were—

R. M. Amos	G. Lucien Drury	Brodie Payne
C. W. Bennett	Ed. A. Gullion	R. I. Rice
J. E. Bickett	Ira Jones	J. L. Richardson
W. M. Boling	Wright Kelly	Ira D. Smith
Thos. Bowman	Leon P. Lewis	S. G. Thornberry
Berl Boyd	R. C. Moore	Fred C. Vanhooose
J. C. Day	Ed. P. Murrah	Geo. C. Waggoner
G. Givens Dixon	B. A. Muster	

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And so said bill was rejected.

At the instance of the Committee on Rules the House

took up for consideration from the Orders of the Day a bill entitled:

S. B. 126. An Act to amend an Act entitled: "An Act for the government of cities of the first class," approved July 1, 1893, so as to enlarge the powers of cities of the first class and to provide for the elimination of grade crossings of the public streets of such cities at grade over the tracks of steam or electric railroads, etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That an act entitled, "An Act for the government of cities of the first class," approved July 1, 1893, be amended by adding thereto the following:

"Section 1. The Board of Public Works of any city of the first class shall have the power, when in its judgment it is reasonably necessary for the safety of the public, to order the elimination of grade crossings of public streets over the tracks of steam or electric railroads, and for this purpose said Board may, when authorized by ordinance, contract with any steam railroad company or companies and street or interurban railway companies thereby affected for the elimination of any crossing in any city of the first class where a public street crosses at grade the tracks of any steam or electric railroad, on such plans, specifications and terms as may be agreed on between the city and the railroad company or companies and street or interurban railway companies affected thereby. In event such a contract is made, the cost of elimination and construction shall be apportioned as provided in section 3 hereof.

"Section 2. In event of an agreement as in section 1 contemplated cannot be arrived at, the Board of Public Works is hereby empowered, when in its judgment it is reasonably necessary for the safety of the public and when authorized by

ordinance, to order any grade crossing of any steam or electric railroad track or tracks over any public street in said city and the approaches thereto, to be altered or eliminated, and to order in lieu of such grade crossing the erection of such bridges, culverts, viaducts, underpasses and overpasses or other structures as to it may seem proper and appropriate for the reasonable safety of the traveling public; and in this connection may order the reconstruction of any public street intersecting or crossing said railroad or railroads in accordance with any new grade that may be established by said Board. Said work shall be done by the railroad company or companies whose tracks are affected by said order, under such plans and specifications and on such terms as the Board of Public Works may prescribe. A copy of the order of the Board, accompanied by the plans, specifications and all other terms and conditions under which such work is to be performed shall be delivered to the railroad company or companies whose tracks are affected by said order, and also to any street or interurban railway company whose tracks are affected thereby, and it shall be the duty of the railroad company or companies so affected to begin the construction of the said work within sixty (60) days thereafter, and complete same within such time as the Board of Public works may specify by its said order.

“Section 3. The cost of all work incident to or occasioned by the elimination of the grade crossing and the construction of a substituted crossing as herein provided for, including the costs incurred in preparing the plans and specifications and supervising said improvement, the acquisition of property necessary therefor, the construction of approaches, drainage structures, streets and pavements, accommodations for street railway and interurban railway companies and other public utilities, and damages paid to abutting property owners, shall be paid in the proportion of sixty-five per cent (65%) thereof by the railroad company or companies affected and thirty-five

per cent (35%) thereof by the city; and the city and the railroad company or companies shall pay, in the proportion hereinabove provided, on monthly estimates certified by the City Engineer and the railroad engineer in charge of the work, the amounts due to contractors and the costs or expenditures incurred by the city or the railroad company or companies and chargeable to the cost of construction as in this section provided; provided, however, that the said costs shall not include the cost of ties, ballast, rails and other track material used for railroad tracks or street or interurban railway tracks and equipment necessary for the operation of said railroads or street or interurban railways, and the expense of relaying, and reconstructing or installing same, all of which costs shall be borne exclusively by the company whose tracks or equipment are so relaid, reconstructed or installed, and all of which shall be paid by monthly estimates as in this section provided; and provided further, that where provision is made on a substituted crossing for the track or tracks of any street railway company or interurban railway company, the company so owning such tracks shall pay into the city treasury forty per cent (40%) of the amount paid out or expended by the city under any contract made under section 1 hereof, or under the provisions of Section 2 hereof, all payments so made by said street railway or interurban railway company, to be based on the monthly estimates referred to in this section, a copy of which properly certified by the secretary of the Board of Public Works, shall be furnished to the said street railway or interurban railway company or companies, and the said payment to be made within five (5) days after such presentation.

All books and records of the company or companies performing said work, and which pertain in any manner to the said improvement, shall be open at all times to the inspection of the Board of Public Works, or its authorized representative.

“Section 4. After the construction of the substituted

crossing, the city shall maintain the roadway, and should the roadway cross the railroad tracks by an overhead bridge or elevated structure, the city shall maintain such bridge or structure. Where the roadway passes under the railroad tracks, the railroad company or companies owning the tracks shall maintain the bridge or other structure and its abutments on their right of way, and beyond same when any damage or injury thereto is caused by it or them. Should any street railway or interurban railway company use the roadway, then, such street railway company or interurban railway company shall pay the cost of maintaining that part of the roadway which lies between their tracks and two feet on either side thereof.

“Section 5. Whenever it is necessary for the purposes of a grade separation to condemn any property, the Board of Public Works may order the condemnation of such property, as provided in section 2831, Kentucky Statutes, and the proceedings therefor shall be instituted and prosecuted in the name of the city, by the City Attorney, as provided in Section 2852, Kentucky Statutes, for the condemnation of property for park purposes.

“Section 6. All laws or parts of laws in conflict herewith are hereby repealed.”

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

R. M. Amos	J. E. Bickett	John E. Brown
B. C. Beckmann	W. M. Boling	W. R. Button
C. W. Bennett	Thos. Bowman	Sam A. Cary

E. B. Cross	Martin Light	Geo. F. Thompson
Bryce Cundiff	Rufus Lisle	S. G. Thornberry
George W. Ellis	C. C. May	D. D. Thornberry
Mrs. M. E. Flannery	B. A. Muster	John M. Tinsley
Emery L. Frazier	W. T. McGuire	Garnett W. Tolin
Dr. H. M. Fultz	C. C. Oney	N. I. Toombs
W. L. Gossett	Brodie Payne	Chas. B. Truesdell
Bryant Green	H. Walter Pierce	Oscar Vest
J. Edgar Hadden	S. R. Powell	Geo. C. Waggoner
H. C. Hawkins	R. I. Rice	W. T. Walker
N. T. Hopkins	Arthur Saunders	W. S. Wallen
David J. Howard	Lee L. Simons	W. D. Watkins
Ira Jones	George W. Smith	W. G. Wheeler
Wright Kelly	Ira D. Smith	J. B. Wicker
H. R. Lawrence	Frank L. Strange	
Leon P. Lewis	H. V. Thompson	

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Resolved that the title thereof be as aforesaid.

Mr. Minor moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 43. An Act to amend an Act entitled: "An Act relating to the office of Police Judge in cities of the second class in this Commonwealth, etc."

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Act of the General Assembly of the Commonwealth of Kentucky and being Chapter 94 of the Session

of 1918 and being entitled "An Act relating to the office of Police Judge in Cities of the Second Class in this Commonwealth," be amended by inserting after the word "Court" in the third line of said Act, the following words: "The Judge of said Court, or if he fails so to do, then the mayor. So that said Act when amended will read as follows:

When from any cause the Police Judge of a City of the Second Class shall fail to attend and hold court, the judge of said court, or if he fails so to do, then the mayor of the city shall designate some attorney, who has no case on the docket of said court, to act as judge pro tem, and such judge so designated shall exercise the same rights, powers and duties, and shall receive the same pro rata compensation, as provided by law or ordinances as to the regular judge. The regular judge of said Police Court shall be entitled to a vacation of one month in each year, and during said vacation the compensation of the pro tem judge, designated as above provided, shall not be deducted from the salary of the regular judge. The pro tem judge herein provided for shall be paid in the same manner and at the same rate per diem, as is provided for the regular judge.

§ 2. All laws or parts of laws in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the negative were—

Samuel W. Adams	C. W. Bennett	Berl Boyd
R. M. Amos	J. E. Bickett	Sam A. Cary
B. C. Beckmann	Thos. Bowman	Lee Clark

E. B. Cross
O. A. Denton
W. D. Duncan
George W. Ellis
Mrs. M. E. Flannery
Emery L. Frazier
W. L. Gossett
Ed. A. Gullion
J. Edgar Hadden
H. C. Hawkins
N. T. Hopkins
David J. Howard
R. O. Huntsman
H. R. Lawrence
Leon P. Lewis
Martin Light

C. C. May
Harry J. Meyers
Harry B. Miller
Claude D. Minor
S. H. Moore
B. A. Muster
C. D. McCaw
R. D. McMurtry
E. E. Nelson
Geo. W. Newman
C. C. Oney
Brodie Payne
H. Walter Pierce
Arch M. Quarles
R. I. Rice
Ira D. Smith

R. F. Stewart
Frank L. Strange
H. V. Thompson
Geo. F. Thompson
S. G. Thornberry
John M. Tinsley
Garnett W. Tolin
N. I. Toombs
Oscar Vest
Geo. C. Waggoner
W. T. Walker
W. D. Watkins
W. G. Wheeler
J. B. Wicker
T. C. Willis

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Resolved that the title thereof be as aforesaid.

Mr. Minor moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

A message was received from the Governor announcing that he has approved and signed a bill which originated in this House, entitled:

H. B. 383. An Act to amend subsection 3 of Section 331e, Kentucky Statutes, Carroll's 1915 Edition.

Mr. Simons moved that the session of today be extended indefinitely.

Said motion was agreed to.

At the instance of the Committee on Rules the House

took up for consideration from the Orders of the Day a bill entitled:

S. B. 61. An Act to amend and re-enact Section 74 of the Civil Code relating to the county in which an action must or may be brought.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 74 of the Civil Code of Practice, Sixth Edition, 1919, edited by Hon. John D. Carroll, be amended by inserting the words "or property" after the word "person" and before the words "of the plaintiff," in the second line thereof, so that said section, when amended, shall read as follows:

"Every other action for an injury to the person or property of the plaintiff, and every action for an injury to the character of the plaintiff, against a defendant residing in this State, must be brought in the county in which the defendant resides, or in which the injury is done: Provided, that in actions for libel the action shall be brought in the county in which the plaintiff resides or in the county in which the newspaper or publication is printed or published, or in the county in which the transaction, or act or declaration to which the publication relates is stated, or purported to have been done or taken place."

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

R. M. Amos	Ed. A. Gullion	Lee L. Simons
B. C. Beckmann	H. C. Hawkins	George W. Smith
C. W. Bennett	N. T. Hopkins	Ira D. Smith
J. E. Bickett	David J. Howard	R. F. Stewart
W. M. Boling	Leon P. Lewis	Frank L. Strange
Thos. Bowman	Martin Light	H. V. Thompson
John E. Brown	C. C. May	Geo. F. Thompson
W. R. Button	Harry J. Meyers	S. G. Thornberry
Sam A. Cary	Ed. P. Murrah	D. D. Thornberry
Lee Clark	B. A. Muster	Garnett W. Tolin
E. B. Cross	W. T. McGuire	N. I. Toombs
G. Lucien Drury	C. C. Oney	Oscar Vest
George W. Ellis	Brodie Payne	W. T. Walker
Mrs. M. E. Flannery	H. Walter Pierce	J. B. Wicker
Emery L. Frazier	S. R. Powell	T. C. Willis
Dr. H. M. Fultz	R. I. Rice	
W. L. Gossett	J. L. Richardson	

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Those who voted in the negative were—

Bryce Cundiff	J. Edgar Hadden
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Resolved that the title thereof be as aforesaid.

Mr. Minor moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 88. An Act to amend sec. 1159, Kentucky Statutes, Carroll's 1915 Edition, relating to Burglary and Robbery.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 1159, Kentucky Statutes, Carroll's 1915 Edition, be amended and re-enacted, so that when so amended and re-enacted said section shall read as follows:

Every person guilty of robbery or burglary shall be punished with death, or confinement in the penitentiary for life, in the discretion of the jury.

Whereas, the crimes of robbery and burglary are of almost daily occurrence, and the present punishment provided by law is inadequate, and ineffective to deter criminals, an emergency is hereby declared to exist and this Act shall take effect from and after its approval by the Governor.

Mr. Richardson offered the following Amendments, viz.:

1. "Amend S. B. 88 by striking out words "Robbery" and "or" in line 4, also in line 7 strike out words "Robbery" and "and."

2. Amend by adding to line 6 the following: "This Act shall not affect any statute or law of the State denouncing any penalty for robbery not accompanied by an act of burglary."

Said Amendments were agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, and the same being engrossed, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Samuel W. Adams	H. C. Hawkins	R. I. Rice
B. C. Beckmann	Thos. O. Holder	J. L. Richardson
C. W. Bennett	N. T. Hopkins	Ira D. Smith
J. E. Bickett	David J. Howard	R. F. Stewart
W. M. Boling	Lester Jeter	Frank L. Strange
J. F. Bosworth	Wright Kelly	H. V. Thompson
John E. Brown	S. B. Lane	Geo. F. Thompson
W. R. Button	H. R. Lawrence	H. Q. Thompson
Lee Clark	Martin Light	S. G. Thornberry
E. B. Cross	C. C. May	D. D. Thornberry
Bryce Cundiff	Claude D. Minor	John M. Tinsley
J. C. Day	R. C. Moore	Garnett W. Tolin
G. Lucien Drury	S. H. Moore	N. I. Toombs
H. C. Duffy	Ed. P. Murrah	Chas. B. Truesdell
George W. Ellis	B. A. Muster	Fred C. Vanhoose
Mrs. M. E. Flannery	W. T. McGuire	Geo. C. Waggoner
Emery L. Frazier	C. C. Oney	W. T. Walker
W. L. Gossett	Brodie Payne	W. D. Watkins
Bryant Green	H. Walter Pierce	W. G. Wheeler
Ed. A. Gullion	S. R. Powell	J. B. Wicker
J. Edgar Hadden	Arch M. Quarles	T. C. Willis

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Those who voted in the negative were—

R. M. Amos	O. A. Denton	James Park
Thos. Bowman	R. O. Huntsman	
Sam A. Cary	Geo. W. Newman	

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Resolved that the title thereof be as aforesaid.

Mr. Minor moved that the vote by which said bill was passed be reconsidered and that motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that

they had passed the following bills which originated in this House, viz.:

H. B. 412. An Act creating an efficiency commission with the power and authority to make survey of, and inquire into and report concerning all departments, commissions, and boards, arms and branches of the State Government, as well as all institutions supported in whole or in part by public funds, also all existing and prospective sources of revenue; defining its powers, and duties, and appropriating funds to enable it to exercise the powers and duties conferred.

H. B. 385. An Act to amend Sec. 3382 of Carroll's Kentucky Statutes, 1915, by changing the time of the appointment of the Board of Tax Supervisors for cities of the third class.

H. B. 390. An Act to provide for the suppression of contagious diseases among bees, to create the office of State Inspector of Apiaries and to appropriate money therefor.

H. B. 387. An Act to amend and re-enact chapter 94 of the Acts of the General Assembly, of the Commonwealth of Kentucky, of 1920, entitled: "An Act relating to revenue and taxation, requiring an excise of license tax to be paid on all gasoline sold at retail in this State, and requiring any person engaging in business of selling gasoline at retail to pay said tax for the privilege of engaging in said business; providing the manner of collecting said tax, requiring reports and fixing fines and penalties for violations of the Act."

H. B. 20. An Act fixing the places for holding the examinations for Mine Foremen, Fire Bosses, and Assistant Mine Inspectors.

H. B. 295. An Act to provide for the appointment of I. M. Gray, J. C. Alcock, Levi A. Harmon, S. M. Rupley and

George A. Hughes as five commissioners to look after and care for the Perryville Battle Field, and providing for the perpetuation of said commission and naming and defining the powers thereof.

H. B. 254. An Act to amend Sec. 1840 of the Kentucky Statutes, Carroll's 1915 Edition, relating to jurisdiction and powers generally of fiscal courts.

H. Res. 25. Resolution for the benefit of Wm. A. Overton.

Ordered that said bills and resolution be delivered to the Enrolling Clerk of this House.

Mr. Dorsey of the Committee on Enrollment reported that they had examined and found correctly enrolled bills of the following titles, viz.:

H. B. 368. An Act appropriating money for the operation and maintenance of the various departments, boards, commissions, institutions and agencies of the State Government, except for the legislative and judicial departments and except for the common schools for the fiscal year ending June 30, 1923; designating the funds and sources from which said appropriations are to be paid, and prescribing the manner in which same are to be paid.

H. B. 443. An Act to amend an Act, entitled: "An Act relating to roads and bridges, and establishing a system of primary roads for the State of Kentucky, and known as Chapter 17 of the Acts of 1920.

H. B. 57. An Act further regulating common carriers and prescribing the duties and powers of the railroad commission with reference thereto.

H. B. 451. An Act to amend Sec. 5 of chapter 17 of the Acts of the General Assembly of 1920, relating to roads and highways.

H. B. 417. An Act establishing a road to run from Harlan in Harlan County, Kentucky, via the Pine Mountain Settlement School, in Harlan County, to Hyden, in Leslie County, as a State primary road, and designating said project as Project No. 56A.

H. B. 430. An Act to amend and re-enact, in order to clarify section 5, chapter 17, of the Acts of the General Assembly of 1920.

H. B. 14. An Act relating to roads and bridges, and amending chapter 17, Acts of the General Assembly of Kentucky, of 1920, by adding thereto, as project No. 64, the Gateway to Missouri Highway, extending from Fenton to the Mississippi River, at or near Columbus, via Mayfield and Clinton.

H. B. 460. An Act to amend and re-enact sec. 5 of an Act entitled: "An Act relating to roads and bridges; creating the department of State roads and highways, providing for officers to administer it and prescribing the powers and duties of such officers, establishing and designing a primary system of State highways and providing for their construction and maintenance and for other purposes designated in the title, and known as chapter 17 of the Acts of 1920, approved March 16, 1920, and being sub-sec. 5 of Sec. 4356t of Carroll's 1922 Kentucky Statutes."

H. B. 468. An Act establishing a road to lead from Lancaster, in Garrard County, via Crab Orchard, in Lincoln County, to Mt. Vernon in Rockcastle County, as a State primary road, and designating same as project 23A.

H. B. 461. An Act establishing a primary project of

State highways in Kentucky from New Castle to Frankfort, by way of North Pleasureville, Defoe, Pleasant View, Bailey's Mill and Bald Knob, the same to be designated as Project No. 19A.

H. B. 256. An Act empowering the cities of the third class to condemn land for cemetery purposes.

H. B. 423. An Act relating to public roads and highways.

H. B. 427. An Act to amend an Act entitled: "An Act relating to roads and highways and designing a primary system of highways for the State of Kentucky and known as Chapter 17 of the laws of the General Assembly of the year 1920.

Thereupon all other business was suspended and said bills and resolution were read at length and compared in open session and thereupon the Speaker in open session and in the presence of the House affixed his signature thereto.

Ordered that the Enrolling Clerk deliver said bills to the Senate.

After a time the Enrolling Clerk delivered the original and enrolled bills duly signed by the President of the Senate into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver same to the Governor.

After a time the Clerk reported that he had discharged that duty.

Mr. Dorsey of the Committee on Enrollment reported

that they had examined and found correctly enrolled bills of the following titles, viz.:

S. B. 19. An Act authorizing the Court of Appeals to appoint an additional commissioner of the Court of Appeals and providing clerical assistance for him.

S. B. 123. An Act to provide for the elimination of grade crossings on the primary roads of the State; giving the State Highway Commission the power to order the elimination of such crossings and the power to direct the character of crossing to be substituted therefor; providing for appeal to the Franklin Circuit Court from such orders of the State Highway Commission and for appeal from the judgment of the Franklin Circuit Court to the Court of Appeals; and providing for the method of paying the cost incurred in the elimination of such crossings.

S. B. 185. An Act to repeal Section 3915 to 3921 inclusive, Kentucky Statutes, relating to pools, trusts and conspiracies in restraint of trade and to repeal chapter 50, Acts of 1920, sections 1 to 22 inclusive.

S. B. 48. An Act changing the time of holding the sessions of the Circuit Court in the Twenty-sixth District of Kentucky, and providing that regular grand juries be summoned and penal and criminal cases be tried at certain specified terms unless the Court in emergency otherwise directs.

S. B. 31. An Act authorizing the Fiscal Court in each county having therein a city of the second class to adopt, provide for and maintain a system of general indexing of the records of all of the real estate in said counties.

S. B. 234. An Act to aid in procuring and providing additional land for a site for the National Sanitorium and

Hospital Clinic, for sick, maimed and disabled soldiers near Dawson Springs in Christian and Hopkins Counties in this Commonwealth and appropriate the necessary funds therefor.

S. B. 104. An Act to amend Sec. 4 of Chapter 11 of the Acts of the Extraordinary Session of 1917, being Sec. 4019a-10 of the Kentucky Statutes, Carroll's Edition, 1918, being an Act relating to revenue and taxation, providing an annual tax upon property subject to taxation in this State, fixing the rate thereof, distributing said tax to various departments and State institutions, providing manner and means of assessing and listing corporate property, and share of stock, designating what classes of property shall be subject to local taxation, fixing time for collecting taxes on omitted personal property in certain cases, requiring record of assignment of evidence of indebtedness secured by mortgages in certain cases, requiring fiduciaries to file inventories of trust property, conferring power on taxing authorities to examine books and accounts of fiduciaries, requiring payment of taxes before final discharge, providing an additional tax for recording certain mortgages, making failure to pay taxes a bar to enforcement of indebtedness in certain cases, fixing penalties and repealing existing Statutes.

S. B. 131. An Act relating to roads and bridges, and amending chapter 17, Acts of the General Assembly of the Commonwealth of Kentucky, 1920, by adding thereto, as project No. — extending from Bromley via Sparta to Warsaw.

S. B. 105. An Act to provide for the employment and utilization of the labor or persons now or hereafter confined in the State penitentiary or the State Reformatory on conviction of a felony; to prohibit the working or employment of convicts elsewhere than within the walls of the State penitentiary or the State Reformatory, except in the quarrying or mining of road material, and except on State farms for the

production of food for the use of the inmates of the institution in which such convicts are confined; to repeal so much of Chapter 36 of the Acts of the General Assembly of 1916, etc.

S. B. 50. An Act amending that part of Section 965, Kentucky Statutes, relating to time for holding court in the 28th Judicial District.

S. B. 239. An Act empowering any University or Normal School which is maintained wholly or in part with funds furnished by the Commonwealth of Kentucky to acquire and condemn land and other property and material.

S. B. 46. An Act relating to and fixing the time when the question of annexation by any city of the second class, third class or fourth class, as provided in section 3050a, Kentucky Statutes, Carroll's Edition, 1915, may again be taken up and submitted to an election after it has been once rejected.

S. B. 106. An Act to amend and re-enact sec. 53 of chapter 2 of title 4 of the Kentucky Code of Civil Practice.

S. B. 94. An Act to prohibit the manufacture, sale, transportation, possession, or other disposition, of spirituous, vinous, malt, or intoxicating liquors, except for sacramental, medicinal, scientific or mechanical purposes; to regulate the manufacture, sale, transportation, ownership and possession of apparatus designed for the manufacture of spirituous, etc.

S. B. 96. An Act making an appropriation for completing the monument on the birthplace of Jefferson Davis at Fairview, Kentucky.

Thereupon all other business was suspended and said bills were read at length and compared in open session and

thereupon the Speaker in open session and in the presence of the House affixed his signature thereto.

Ordered that said bills be delivered to the Senate.

A message was received from the Senate announcing that they had passed a bill which originated in the House entitled:

H. B. 134. An Act making it unlawful for any person firm or corporation, employing others in this Commonwealth, to adopt, or establish, or use any daylight saving or other standard of time with reference to such employment, other than the Standard Central Time of the United States, and providing penalty therefor.

Together with the following Amendments proposed thereto by the Senate, viz.:

“Amend H. B. 134 by adding after the word “unlawful” in Sec. 1, line 2 of the printed bill the words “in any city of the first class.”

Amend the title of H. B. 134 by adding after the word “other” in line 2 of the printed bill the words “in any city of the first class.”

Said Amendments were concurred in.

(For bill see House Journal, February 9.)

Said bill as amended was passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

R. M. Amos	W. M. Boling	Berl Boyd
B. C. Beckmann	J. F. Bosworth	John E. Brown
J. E. Bickett	Thos. Bowman	Sam A. Cary

Lee Clark	Leon P. Lewis	R. F. Stewart
E. B. Cross	Martin Light	Frank L. Strange
O. A. Denton	C. C. May	H. V. Thompson
G. Lucien Drury	Claude D. Minor	Geo. F. Thompson
George W. Ellis	S. H. Moore	S. G. Thornberry
Mrs. M. E. Flannery	B. A. Muster	D. D. Thornberry
Dr. H. M. Fultz	W. T. McGuire	John M. Tinsley
Bryant Green	R. D. McMurtry	Garnett W. Tolin
Ed. A. Gullion	Geo. W. Newman	N. I. Toombs
J. Edgar Hadden	C. C. Oney	Fred C. Vanhooose
Arch L. Hamilton	James Park	Oscar Vest
Thos. O. Holder	S. R. Powell	Geo. C. Waggoner
N. T. Hopkins	R. I. Rice	W. T. Walker
David J. Howard	Lee L. Simons	W. S. Wallen
Lester Jeter	George W. Smith	W. G. Wheeler
H. R. Lawrence	Ira D. Smith	J. B. Wicker

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Resolved that the title thereof be as amended.

Ordered that said bill be delivered to the Enrolling Clerk.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 89. An Act to amend and re-enact sec. 1160 of the Kentucky Statutes, relating to assault with intent to rob.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section Eleven Hundred Sixty (1160), Kentucky Statutes, Carroll's Edition, 1915, be amended and re-enacted so that when so amended and re-enacted same shall read as follows:

If any person, with an offensive weapon or instrument, shall unlawfully and maliciously assault, or in or by any forcible

ble and violent manner, demand any money, goods or chattels, bond, bill, deed or will, or other evidences of right, or other thing of value of or from any other person, with an intent to rob or commit a robbery upon such person, he shall be confined in the penitentiary not less than five nor more than twenty years.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Samuel W. Adams	H. C. Hawkins	J. L. Richardson
R. M. Amos	Thos. O. Holder	Lee L. Simons
B. C. Beckmann	N. T. Hopkins	George W. Smith
C. W. Bennett	David J. Howard	Ira D. Smith
J. E. Bickett	Lester Jeter	R. F. Stewart
W. M. Boling	S. B. Lane	Frank L. Strange
Thos. Bowman	H. R. Lawrence	H. V. Thompson
Berl Boyd	Leon P. Lewis	Geo. F. Thompson
John E. Brown	Martin Light	S. G. Thornberry
W. R. Button	C. C. May	John M. Tinsley
Sam A. Cary	Claude D. Minor	Garnett W. Tolin
E. B. Cross	R. C. Moore	N. I. Toombs
Bryce Cundiff	S. H. Moore	Chas. B. Truesdell
A. W. Dorsey	Ed. P. Murrah	Fred C. Vanhooose
G. Lucien Drury	B. A. Muster	Oscar Vest
George W. Ellis	W. T. McGuire	Geo. C. Waggoner
Emery L. Frazier	Geo. W. Newman	W. T. Walker
Dr. H. M. Fultz	C. C. Oney	W. G. Wheeler
Bryant Green	Brodie Payne	T. C. Willis
Ed. A. Gullion	H. Walter Pierce	
J. Edgar Hadden	S. R. Powell	

Resolved that the title thereof be as aforesaid.

Mr. Minor moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 128. An Act to repeal sections 4507-4517 and all intervening sections of Kentucky Statutes, relating to county teachers' institutes and to provide in lieu thereof for the establishment, maintenance and operation of a county teacher training course to be conducted under rules and regulations adopted by the State Board of Education in each county of the Commonwealth, and to provide for a teacher training department in high schools, and to appropriate the necessary funds therefor.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Sections 4507, 4508, 4509, 4510, 4511, 4512, 4513, 4514, 4515, 4516, 4517, of the Kentucky Statutes, Carroll's Edition, 1918, be and the same are hereby repealed, and there is enacted in lieu thereof the following:

§ 2. The State Board of Education is hereby authorized and empowered to establish and cause to be held and conducted in each county of this Commonwealth a summer teacher training school, such school to be conducted in a central place, preferably the county seat, and which school shall be taught for a term of not less than six weeks under such rules and regulations as the State Board of Education may provide. It shall be the duty of the County Board of Education and the

Board of Education of any municipal or independent school taught in such county seat to provide a suitable room or rooms in which such training school can be conducted, and to provide for the care of such rooms free of any cost to the State Board of Education.

The State Board of Education is further authorized and empowered to establish a teacher training department in high schools wherever, and whenever, such departments are practicable.

§ 3. It is further provided that all teachers of the county, including the city graded, or other independent districts, shall have the privilege of attending such training school free of tuition.

§ 4. There is hereby appropriated out of the general funds of the state, the sum of fifty thousand dollars per annum to the State Board of Education for the purpose of meeting the cost incident to the organization, operation and management of such summer teacher training schools and to enable it to employ competent teachers and directors therefor. The Auditor of the Commonwealth is hereby directed to draw his warrant for said sum annually upon requisition signed by the chairman and secretary of the State Board of Education.

§ 5. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Samuel W. Adams	J. F. Bosworth	John E. Brown
R. M. Amos	Thos. Bowman	W. R. Button
B. C. Beckmann	Berl Boyd	Lee Clark

E. B. Cross	Leon P. Lewis	S. R. Powell
J. C. Day	Martin Light	R. I. Rice
G. Givens Dixon	Rufus Lisle	J. L. Richardson
G. Lucien Drury	C. C. May	Lee L. Simons
George W. Ellis	Harry J. Meyers	Ira D. Smith
Mrs. M. E. Flannery	Harry B. Miller	George W. Smith
W. L. Gossett	Claude D. Minor	R. F. Stewart
Bryant Green	S. H. Moore	Geo. F. Thompson
Ed. A. Gullion	B. A. Muster	D. D. Thornberry
J. Edgar Hadden	C. D. McCaw	John M. Tinsley
Arch L. Hamilton	W. T. McGuire	Garnett W. Tolin
David J. Howard	R. D. McMurtry	Fred C. Vanhooose
Frank J. Humbert	Chas. A. Nelson	Oscar Vest
R. O. Huntsman	Geo. W. Newman	Geo. C. Waggoner
Lester Jeter	D. A. O'Donovan	W. T. Walker
Wright Kelly	James Park	W. S. Wallen
H. R. Lawrence	H. Walter Pierce	

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Those who voted in the negative were—

O. A. Denton	R. C. Moore	Frank L. Strange
H. C. Hawkins	Brodie Payne	H. Q. Thompson
Ira Jones	Reuben E. Skaggs	W. G. Wheeler

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Resolved that the title thereof be as aforesaid.

Mr. Minor moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 181. An Act authorizing cities of the first class and second classes to create a City Planning Commission with power to make a survey and plan of the city and of land contiguous or related thereto to provide for the regulation of the height area and use of buildings and for zoning of the city

and with power to approve the recording of plats and subdivision.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

ARTICLE I.

This Act shall be known as the "City Planning and Zoning Act."

ARTICLE II.

§ 1. Any city of the first or second class may, by ordinance, create a city planning commission. In cities of the first class, this commission shall consist of the chairman of the Board of Public Work, or such person as shall succeed to his rights and powers, and the president of the Board of Park Commissioners, as members ex-officio, and of three members who shall be appointed by the mayor. In cities of the second class the commission shall consist of the mayor and of four members appointed by the mayor. Such commissioners shall be legal voters of the municipality and the appointed commissioners shall hold no other municipal office and shall serve without compensation.

The ordinance creating such commission shall prescribe the terms for which the members of same shall be appointed, and the expenditures of said commission shall be limited in each year to the amount appropriated by ordinance for that year. Such commission shall have the power, except as otherwise provided by law: to make plans and maps of the whole or any portion of such municipality, and of any land outside of the municipality, which, in the opinion of the commission bears relation to the planning of the municipality, and to make changes in such plans or maps when it deems same advisable. Such maps or plans shall show the commission's

recommendations for new streets, alleys, ways, viaducts, bridges, subways, parkways, parks, playgrounds or any other public grounds or public improvements, and for the removal, relocation, widening or extension of such public ways or works then existing with a view to the systematic planning of the municipality. The commission shall have the power to make recommendations for the control, development, preservation and care of historical landmarks and the design and location of statuary and other works of art, which are or may become the property of the municipality, and may make plans for the development and location of harbors, bridges, viaducts, street fixtures and other public structures and appurtenances; and shall have power to recommend to the legislative body ordinances providing for the division of the city into districts or zones based upon the height, ground areas and use of all buildings and structures.

§ 2. Hereafter no plat or map laying out or offering for dedication any public way or easement in the territory within the limits of the city or within three miles of the said limits as then existing shall be received for record by, or be recorded in the office of the clerk of the county court of the county, except upon the conditions hereinafter named; and if the descriptions of any deed, lease, mortgage or bond for title to land within said territory, refers to or is based upon any map or plat not now recorded or describing the land as binding upon any street, avenue, alley or public way proposed or offered for dedication, immediately or in the future, for the use of the public and the purchaser, lessee or mortgagee, said instrument or writing shall not be received for record by, or be recorded in the office of the clerk of said court, except upon the following conditions:

(a) Whenever any person desires to lay out or offer for dedication, by a recorded plat, any such public way or easement within the city limits, he shall file with the city planning commission a topographical map or plat of the territory

bounded or intersected or immediately adjacent to said proposed public way or easement, showing the levels of said land the proposed names, nature and dimensions of the said public way or easement proposed or offered for dedication; and, if the said commission thinks such proposed dedication of said public way or other easement would be beneficial to the public interests and suitable for the immediate or future acceptance of the city, said commission shall approve the said map or plat and the chairman or secretary of said commission shall subscribe a certificate of approval on said map and acknowledge the execution thereof before any officer authorized to take an acknowledgment to deeds and thereupon said map or plat may be received for record by and be recorded in the office of the clerk of the county court.

If said commission refuses to approve said map or plat in thirty days the persons offering the same may file a petition in the circuit court of the county against the city, stating the facts and filing a copy of said map or plat and said suit shall begin and proceed and be tried as a civil action in equity, and if the court, at the hearing, believe that the plaintiff has shown that said proposed dedication would be beneficial to the public interests and suitable for the immediate or future acceptance of the city, the court shall order said map or plat to be received by the clerk of the county court for record in his office when the legal fees for recording the same have been paid or tendered.

(b) Whenever any person desires to lay out or offer for dedication, by recorded plat, any such public way or other easement outside the limits of the city, but within three miles thereof, he shall file a like topographical map with the city planning commission and also with the judge of the county court, and if the said commission and the said judge think such proposed dedication would be beneficial to the public interests and suitable for the immediate or further acceptance of the city when its boundaries may embrace said land, said

commission and said county judge shall approve said map or plat in the manner above provided and said map or plat shall be received for record by and be recorded in the office of the clerk of the county court upon the payment of the legal fees therefor.

If said commission or said county judge refuse for thirty days to approve said map or plat, the person offering the same shall have the right to take a like appeal to the circuit court as provided for above.

The mere approval of such a map or plat by the said commission or the county judge shall not be treated or held as of itself an acceptance of such an offer of dedication by the public authorities of the city or county, but when said public authorities are ready to accept or improve the public ways or other easement in the territory covered by said map or plat, they shall be accepted or improved in conformity with said map or plat.

Any person who shall lodge for record in the county clerk's office, and any county clerk or deputy of the county clerk who shall receive for record or permit to be lodged for record, any plat or map or deed or other instrument contrary to the provisions of this act, shall be guilty of a misdemeanor and be fined not less than twenty-five dollars and not more than one hundred dollars for each offense.

§ 3. This act shall be construed as the grant of additional power and authority to cities and not intended to limit or impair any existing power or authority of any city.

§ 4. This act shall take effect from and after its passage.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said

bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

R. M. Amos	David J. Howard	J. L. Richardson
B. C. Beckmann	Lester Jeter	David I. Scott
C. W. Bennett	Wright Kelly	Lee L. Simons
J. E. Bickett	S. B. Lane	George W. Smith
W. M. Boling	H. R. Lawrence	R. F. Stewart
Thos. Bowman	Leon P. Lewis	Frank L. Strange
Berl Boyd	C. C. May	H. V. Thompson
John E. Brown	Claude D. Minor	Geo. F. Thompson
Sam A. Cary	S. H. Moore	S. G. Thornberry
Bryce Cundiff	Ed. P. Murrah	D. D. Thornberry
G. Lucien Drury	B. A. Muster	John M. Tinsley
W. D. Duncan	W. T. McGuire	Garnett W. Tolin
George W. Ellis	R. D. McMurtry	N. I. Toombs
Mrs. M. E. Flannery	Chas. A. Nelson	Fred C. Vanhooose
Emery L. Frazier	D. A. O'Donovan	Geo. C. Waggoner
Ed. A. Gullion	C. C. Oney	W. T. Walker
J. Edgar Hadden	James Park	W. S. Wallen
Oscar P. Harvey	H. Walter Pierce	W. G. Wheeler
H. C. Hawkins	S. R. Powell	J. B. Wicker
Thos. O. Holder	Arch M. Quarles	T. C. Willis

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Resolved that the title thereof be as aforesaid.

Mr. Minor moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 191. An Act to provide for the construction and maintenance, in cities of the first class, of memorials in honor of the soldiers and sailors furnished by such cities and the

counties wherein situated, to the United States Army and Navy during the World War; providing for the voting of a bond issue in such cities, and for the acceptance of gifts and donations for such purposes; partially repealing sec. 2827, Kentucky Statutes, and for related purposes, including the creation of Memorial Commission in such cities.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Memorial Commission—Members—Appointment—Terms—Powers—No Compensation.—The Mayor of any city of the first class in this Commonwealth is hereby authorized and empowered to appoint seven (7) persons who shall constitute a memorial commission hereinafter referred to as “Commission.” Each such member shall not be less than twenty-five (25) years of age, and shall be a bona fide resident of the county wherein such city is situated. Such appointments shall be subject to the approval of the Board of Aldermen for such city. Said Commission shall be a body politic and corporate, and shall be known as “..... (Name of city) Memorial Commission;” and in such corporate name said Commission may sue and be sued, contract and be contracted with, adopt a seal, and alter same at pleasure; acquire real and personal property by gift, purchase, or condemnation; and may do all other things which may be reasonable or necessary to effectively carry out the work, and to properly perform the duties, intended or required by this act. Two of said members shall be appointed for terms of six years each, and their successors shall be appointed for terms of seven years each; two of said members shall be appointed for terms of seven years each, and their successors shall be appointed for terms of seven years each; and three of said members shall be appointed for terms of eight years each,

and their successors shall be appointed for terms of seven years each. If any vacancy occurs in any membership of said Commission under the initial appointment herein authorized to be made by such Mayor, such vacancy shall be filled by like appointment by such mayor, and subject to the like approval of said Board of Aldermen; and the person appointed to fill any such vacancy, shall serve out the term for which the original appointment was made. At the expiration of the terms of the two members of said Commission appointed by the Mayor to serve terms of six years each, the remaining members of the Commission shall thereupon elect two members to serve for terms of seven years each; and upon the expiration of the terms of the two members appointed by the Mayor to serve for terms of seven years each, the remaining members of the Commission shall thereupon elect two members to serve for terms of seven years each; and upon the expiration of the terms of the three members appointed by the Mayor as aforesaid for terms of eight years each, the remaining members of the Commission shall thereupon elect three members to serve for terms of seven years each, and thereafter, all members of the Commission shall be elected for terms of seven years each; such elections to be made in all cases by the remaining members of the Commission, in manner aforesaid. All vacancies in the terms of such members so elected by the Commission, shall be filled in like manner by the remaining members of the Commission, and the members thus selected shall serve for the remainder of the terms for which they are respectively chosen. The members of said Commission shall serve without compensation, but shall be allowed their necessary expenses in travel when engaged on the business of the Commission.

§ 2. Officers of the Commission.—The said Commission, upon the appointment of its members, shall organize and elect officers. It shall elect a chairman from its members, to serve for the term of one (1) year, and it shall annually thereafter

elect a chairman. The Commission may elect a secretary and treasurer, not a member of the Commission, who shall hold the combined office at the pleasure of the Commission, and may receive a salary to be fixed by the Commission, not exceeding twenty-five hundred dollars (\$2,500.00) per annum, to be paid by the Commission. If, and when, the bonds herein provided for shall be voted, the Commission may elect a Superintendent of Construction. This officer must be a draftsman, experienced in, and familiar with, fireproof construction and the erection of large buildings and their mechanical equipment, and experienced in reading and executing architect's plans and specifications. He shall give his entire attention to the affairs of the Commission, and shall receive as compensation a salary to be fixed and paid by the Commission, not exceeding five thousand dollars (\$5,000.00) per annum. He shall serve, and be removable, at the pleasure of the Commission. The Commission is also empowered to select such other officers or employes as it may deem necessary to properly carry on the work of the Commission hereunder, to serve at the pleasure of the Commission; and the Commission shall fix the compensation of such additional officers and employes.

§ 3. Further Powers of Commission.—Said Commission shall have full power and authority to carry out the purposes of this act, among which powers shall be the following, the enumeration of which shall in no wise be construed as restricting the scope of the general powers conferred on it by this act, to-wit:

(a) To make all such preliminary investigations, and to do all such preliminary work as, and in its judgment should precede the actual construction and equipment of the memorial structures herein named.

(b) To choose an appropriate site for such memorial structures, and the plans for such structures, as herein provided, and to arrange for and supervise the laying out of the necessary grounds and the construction of the said structures,

and the maintenance of said grounds and structures for the purposes of this act.

(c) To exact from any of its officers or employes, where provision is not otherwise made herein therefor, such surety or indemnity bonds for the appropriate performance of their respective duties as the Commission may deem proper.

(d) To establish and enforce such reasonable rules and regulations for its own government, and for the construction, supervision, protection, management and conduct of its work and the maintenance of the said memorial structures, and for the cost thereof, as it may deem proper, and the same, to the extent they are not in conflict with law shall have the force of law.

(e) To make and enter into, in its corporate name, any and all contracts, agreements or stipulations, germane to the scope of its duties, or in accordance with the purposes of this act.

§ 4. Bonds of Officers.—The Chairman, Superintendent of Construction and the Secretary and Treasurer of the Commission, shall each give bond with approved surety, in such sum as may be fixed by the Commission; which bond shall be payable to the Commission, and shall oblige the makers thereof to faithfully perform the duties of their several offices, and to faithfully account for, and pay over, all money or other things of value which may come into their several hands. The premiums for said bonds shall be paid by the Commission.

§ 5 What Shall Constitute the Memorial.—The said Commission is hereby empowered and directed, when the funds herein provided for are rendered available, to acquire suitable grounds for the construction of, and to construct, and to cause to be constructed thereon, an adequate and appropriate memorial building or buildings and statuary and works of memorial art, to commemorate the valorous and patriotic deeds and service of the soldiers and sailors of the city and county wherein such Commission shall act, who were engaged in the army and navy of the United States during the recent

World War. Said memorial shall be permanent in character, and shall take the form of a building, or buildings, with halls and auditoriums ample for both large and small assemblages, conventions, large theatrical, musical and other entertainments and with suitable offices, rooms and equipment to properly maintain and operate such building, or buildings, and, also, appropriate statuary and works of memorial art, and all grounds necessary or appropriate for such purposes, all of which grounds, buildings, statuary and works of art shall, for the purposes of this act, be embraced by the term "memorial." The said Commission may maintain in said memorial such flags, insignia, mementoes, records, and archives of the said war, or of historical significance in connection therewith, as may fittingly exemplify or illustrate the patriotic services rendered the United States in said war by the aforesaid soldiers and sailors, as well as by the citizens and residents of such city and county who were not engaged in the military or naval service of the United States during said war. Said memorial, and all property acquired by said Commission, shall belong to said city.

§ 6. Acquisition of Property—Condemnation.—Said Commission may acquire by gift, purchase, lease or by condemnation, any land or property situated wholly within such city or county, or any interest, franchise, easement, right or privilege, in said city or county, or any buildings, tools, machinery, materials or supplies, which may be required for the purpose of constructing, furnishing, maintaining or operating such memorial. The method of condemnation shall be conducted in the name of the Commission similar to the procedure prescribed by section 2852, Kentucky Statutes, for the condemnation of property for park purposes for cities of the first class. All property acquired by the Commission shall be held, used, owned and controlled by it, for the purposes named in this act.

§ 7. Investigation—Plans.—The purpose of this act being to provide for the construction, equipment and mainte-

nance of such memorial, it shall be the duty of the Commission to make, and to cause to be made, such investigation as may be necessary to enable it to determine the best plans for erecting, acquiring and furnishing such memorial. The Commission shall have the power to employ an architect or architects to submit plans for the construction and equipment of such memorial, and to attend to the carrying out of same, and to pay reasonable compensation therefor; provided, however, that no compensation shall be paid any such architect or architects until, nor unless the bonds provided for in this act shall be voted.

§ 8. Report and Approval of Plans.—When the Commission shall have determined upon the general plans for the construction and equipment of said memorial, a full report of such plans, together with a statement of the probable cost of carrying out such plans, shall be submitted by the Commission to the aforesaid Mayor. Thereupon, when such plans or same as modified by the Commission, are approved by the Mayor, same shall be declared formally adopted, and shall be carried out agreeably to the provisions of this act.

§ 9. Bids for Work.—All work to be done, or supplies or materials to be purchased, in carrying out the purposes of this act, when involving an expenditure of five hundred dollars (\$500.00) or more, shall be, by contract, awarded to the lowest and best bidder, but the Commission shall have the right to reject any bid; and it is also empowered to do any part or parts of such work, under such conditions as it may prescribe, by day labor, or by other non-contract method whenever the superintendent of construction, in writing, shall recommend that course, or whenever, in its judgment, this is the best method to pursue. This section shall not be construed, however, as limiting the power of the Commission in the employment of architects, employes, clerks or agents, as in this act provided.

§ 10. Report of Completion of Memorial.—After the aforesaid memorial is completed and duly equipped, the Com-

mission shall report such fact to the Mayor who shall thereupon transmit said report to the general council of such city, and the general council, by appropriate ordinance or resolution, shall, so soon as it is satisfied that said memorial is satisfactorily completed and ready for use as intended by this act, formally declare such fact, and upon said ordinance or resolution being approved by the Mayor, or otherwise becoming effective as provided by law, it shall henceforth be the duty of the general council to annually make the tax levy for the maintenance of the aforesaid memorial structures to the extent, and as, in this act provided.

§ 11. Tax for Maintenance.—For the purpose of providing necessary funds for maintaining such memorial and for carrying on the work of the Commission after such memorial is completed, the general council of such city is empowered and directed to annually levy and collect a tax not exceeding one cent (1c) on each one hundred dollars (\$100.00) worth of taxable property in such city as determined by the last regular assessment of such city, and the taxes so levied shall be collected in the customary way and shall be paid over to said Commission for the purpose named in this section; provided, however, that if it shall appear from the report or statement of the Commission that funds received by gift or from earnings of the memorial, available for maintenance of the memorial for any fiscal year, are fully adequate therefor after deductions therefrom are made as herein provided, the said tax levy for such year may be withheld by the general council.

§ 12. Limit of Maintenance Expenditure.—Except with the approval of such general council the Commission shall not incur, for maintenance purposes of the memorial, or permit the incurrence of, any liability or expense, exceeding the total funds derived, or to be derived, for any fiscal year, through the levying and collection, for such purpose, of the aforesaid taxes for such year, supplemented by income from the memorial, and by gifts or donations in money, or property reduced

to money, which may be made to the Commission for maintenance purposes.

§ 13. Fiscal Year—Financial Reports—Depreciation Fund.—The fiscal year for the Commission shall be the same as the calendar year. After the completion of said memorial structures and after acceptance of such fact is duly made by the general council as herein provided for, it shall be the duty of the Commission thereafter, during the month of December, of each year, to prepare and certify to the Mayor of such city to be by him transmitted to the general council of such city, a statement showing the total funds which, in the judgment of the Commission, will be needed for the purposes of maintaining the memorial for the ensuing fiscal year, and setting forth in detail the sums needed for the different classes of such expenditure; and setting forth, also, the estimated balance, if any, which will be on hand on the first day of January following the certification of said statement and available for expenditure during the ensuing fiscal year for maintenance purposes, also, indicating, as nearly as may be possible, what, if any, additional funds or assets other than such as may be derived from the levy and collection of taxes, as aforesaid, for maintenance purposes for said ensuing fiscal year, will become available during such year for such expenditure. The general council in making the levy of the tax for maintenance purposes shall take into consideration the amount of funds which may be held or derived by the Commission on account of gifts or donations to the Commission for maintenance purposes. The Commission shall have the right to set aside and retain from year to year, out of the maintenance funds derived by gift or taxation, or both, as herein provided for, a reasonable fund to be known as an "improvement and replacement fund," to cover needed improvements, replacements and equipment for, and depreciation of, the memorial; said funds to be placed at interest in a bank, or banks, of such city, with the Mayor's approval, or invested in United States Government interest bearing bonds, or in any interest bearing

bonds of such city, or of any of its instrumentalities. The amount each year for such purposes thus set aside shall be made, held and used as occasion may require, as a further memorial building and improvement fund to improve and further equip said memorial, and in case of destruction of said memorial, or any portion thereof by fire or wind or other casualty, or decay, for replacement purposes; provided, however, that the cost of ordinary repairs shall be paid for out of the maintenance fund.

§ 14. Further Reports—System of Accounts—Examinations.—Within sixty (60) days after the close of each fiscal year the Commission shall make a full, detailed report to the Mayor of such city, showing all the financial operations of the Commission during the previous fiscal year; showing, also, the general scope of the operations of the Commission and of the memorial during the preceding fiscal year, which report shall be transmitted by the Mayor to the general council of such city. The Commission shall adopt and maintain an up-to-date and efficient system of accounting, covering all of its fiscal work and that of the memorial. The Mayor of such city may cause to be examined at any time such accounts and records, and report of such examinations shall be made to the Mayor. The Mayor and the general council may call upon the Commission at any time for any information or report concerning the fiscal or other operations of the Commission.

§ 15. Use of Memorial—Income.—The Commission is hereby empowered to use, and to permit the use of said memorial, and the grounds, auditoriums, halls, offices and rooms thereof, for conventions, theatrical and musical performances, public entertainments and other like meetings or assemblages, and to make and collect reasonable charges therefor, except where such use is for memorial or other purposes of such a distinct civic character or purely public benefit as shall, within the discretion of the Commission, render any charge for such use undesirable, and all revenues thus derived shall be held and used by the Commission to the extent

that same may be necessary to maintain and operate such memorial structures, and to provide for a replacement and improvement fund as provided for in section 19 of this act, with balances to be covered with the city treasury under certain circumstances as in this act herein provided for.

§ 16. Gifts and donations.—The Commission is hereby empowered within its discretion, to accept any gifts or donations of real estate or funds, securities or other property of any other description, for any of the purposes of this act, any such gift or donation to be accompanied by a suitable instrument, executed by the donor or donors, setting forth the purposes for which such gift or donation is made, and such gift or donation, or the proceeds thereof when reduced to money, if not already in money, shall be used by the Commission only for the purpose for which donated or given. All such gifts or donations made before the funds to be derived under the bond issue herein provided for are made available for the purposes for which authorized, shall be reduced to money, or to high class interest bearing securities acceptable to the Commission and to the aforesaid Mayor; and thereupon such funds or securities shall be placed in some solvent bank or banks, or trust company or trust companies, in such city, to be agreed upon by the Commission and the respective donors, and to be held by such banks or trust companies as trustees until the funds to be derived through the aforesaid bond issue shall become available for the purposes of this act, and all such moneys to be deposited with any such trustee shall draw interest at a fair rate. If, and when, the funds from the aforesaid bonds shall become available for said purposes, the said trustee, or trustees, shall pay over, or deliver, to the Commission all of the funds or securities which have thus been delivered to such trustee, or trustees, and such funds or securities shall thereupon constitute assets of the Commission for expenditure in accordance with the terms of such gifts or donations agreeable to the provisions of this act. If, after any such gift or donation is so made, the proposed bond issue is defeated or in-

validated, such gift or donation shall be thereupon returned to the donor by the trustee holding same under the provisions of this act.

§ 17. Bond Issue.—In order to provide money for the construction and equipment of said memorial, the general council of such city may adopt an ordinance submitting to the voters of such city at the November election, 1922, or at the November election, 1923, held in said city, the question whether the bonds of the city shall be issued for such purpose, Such ordinance shall provide the date and maturity of such bonds, the rate of interest they shall bear, and the total amount of such bonds, which shall be seven hundred and fifty thousand dollars (\$750,000.00), and said ordinance shall also contain the necessary details in reference to the execution and delivery of said bonds, the denominations, coupons to be annexed, tax to be levied to pay the interest thereon, and provide a sinking fund to retire such bonds at maturity. Said ordinance may be adopted by the general council either prior or subsequent to the selection of the plans to be used in the acquirement and construction of said memorial.

§ 18. Sale of Bonds.—If the voters of such city shall duly determine that such bonds shall be issued, such bonds, when so issued, shall be placed under the control of said Commission, which shall determine when, and at what price and how they shall be sold; provided, however, that such bonds shall be sold for not less than par; and any premium which may be obtained from the sale of said bonds shall constitute a part of the sinking fund for their ultimate retirement. As the said bonds are sold, their proceeds shall go to the credit of the commission in the same depositories which are selected for the deposit of the funds received or held by the commissioners of the sinking fund of the city, upon like agreements as to interest; and shall be withdrawn only upon the checks of the secretary and treasurer of the Commission, countersigned in such manner and accompanied by such voucher, as

may be prescribed by regulations to be adopted by the Commission.

§ 19. Income After Bonds are Paid.—After the bonds herein provided for are fully paid, the Commission, with the Mayor's approval, may annually set aside a portion of the income derived from the operation of the memorial, and same shall be either deposited, at interest, in such banks or trust companies as may be selected by the Commission, with the Mayor's approval, in high class interest-bearing securities, and so held, to be used in either case for the purpose of improvement, replacement, rebuilding or reconstruction of said memorial, or any portions thereof as conditions may require or render advisable, such work to be done by or under the supervision of the Commission. The remainder of such annual income, less such portion thereof as may be required or used for the maintenance of said memorial, shall be paid into the city treasury.

§ 20. Disbursements—Dissolution of Commission.—All disbursements of the Commission for acquiring and constructing said memorial, prior to the completion of the memorial, shall come out of the proceeds of the sale of the said bonds, and from the funds derived from gifts or donations for the purpose of acquiring and constructing said memorial; provided, however, that the Commission shall have the right to borrow enough money to defray the liabilities incurred by it up to the time it shall receive any of such proceeds, and in the event that the voters of the city shall reject the aforesaid submission ordinance and refuse to vote said bond issue, the city shall be responsible for, and shall make the payment of all money so borrowed, and provided, also, that in the event the said ordinance is defeated by said voters thereupon, the powers herein granted to the said Commission shall cease and the said Commission shall thereupon stand dissolved. After the completion of the memorial, the compensation of all officers and employes of the Commission employed in the maintenance and operation of the memorial,

shall constitute maintenance expenses, and shall be paid as such.

§ 21. Action Following Dissolution.—Upon the dissolution of the said Commission, if such dissolution is made agreeably to the next preceding section, all property, real or personal, franchise, easements, maps, plans, books, papers and records shall thereupon, whether acquired by gift, purchase, condemnation or otherwise, vest in and become the property of said city, and all money then in the hands of the Commission shall be turned over by it to such city, to be retained by it except that the city shall pay out of such funds any unpaid obligations of said Commission.

§ 22. Effect of Failure of Bond Issue.—If the aforesaid bond issue of seven hundred and fifty thousand dollars (\$750,000.00) is duly voted by the people of such city as provided for by this act, the said bonds shall be issued and sold only upon condition—and the submission ordinances shall so provide—that within two (2) years after they are voted, there shall be given or donated to the said Commission or deposited in trust as in section 16 provided, to be used for the purpose of constructing, or aiding in the construction of said memorial, a total sum of not less than five hundred thousand dollars (\$500,000.00) in money or in solvent securities acceptable to the Mayor and general council of such city as shall be shown by appropriate ordinance or resolution of such general council to be approved by the Mayor. If, and when, said total of five hundred thousand dollars (\$500,000.00) in money or solvent securities is so given and donated to said Commission or deposited in trust as aforesaid, for such purpose within such period, the Commission shall immediately thereupon take all steps and perform all acts required of it herein in relation to the sale of the aforesaid bonds and to the construction of such memorial structures and other matters herein provided for.

§ 23. Use of Funds Derived Through Bonds or Gifts.—All of the funds realized from the sale of the aforesaid bonds,

if voted, together with the aforesaid gifts or donations or funds, aggregating not less than five hundred thousand dollars (\$500,000.00) additional, shall be expended by the Commission for the acquirement of necessary grounds and for the construction and equipment of said memorial, as provided for in this act; and the title to all such property, however acquired, shall vest in said Commission, and shall be held and used in strict and inviolable trust for the purposes contemplated by this act, and free from all taxation, impost or assessment—state, county, district, municipal, or otherwise. The Commission shall have the right to exchange or sell, for the purposes of this act, any of the property donated or given to it for such purposes.

§ 24. Partial Repeal of Section 2827, Kentucky Statutes.—Section 2827, Kentucky Statutes, vesting in the Board of Public Works of cities of the first class, supervision and control over the construction of all public buildings and public improvements, shall, to the extent that same conflicts with this act, stand repealed, but to no further extent.

§ 25. Legal Services.—All legal services or advice required by said Commission shall be rendered by the city attorney of such city, and his assistants, without additional compensation to them therefor.

§ 26. Repealing Clause.—All acts or parts of acts in conflict or inconsistent herewith are hereby repealed.

§ 27. Invalidation of Any Provision—Effect.—If any section, paragraph, clause or separable provision of this act shall be held to be invalid such fact shall not affect or render invalid any other section, paragraph, clause or separable provision of the act, it being the intention of the General Assembly in enacting this act to enact each section, paragraph, clause and provision separately.

§ 28. Liberal Construction of Act.—This act, and all and each of its various sections and provisions, shall be liberally construed in favor of the purposes of the act.

§ 29. Emergency Clause.—Because of the fact that in

Louisville, a city of the first class, there are ready to be made to the Commission which may, under provisions of this act be created for said city, substantial gifts and donations, and for the further reason that it is very important that in said city, the provisions of this act become effective at the earliest possible moment in order to carry forward successfully the work of the Commission hereunder, an emergency is hereby declared to exist, and this act shall take effect on and after its approval by the Governor.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Samuel W. Adams	Wright Kelly	R. F. Stewart
R. M. Amos	H. R. Lawrence	Frank L. Strange
J. F. Bosworth	Leon P. Lewis	H. V. Thompson
O. A. Denton	Rufus Lisle	Geo. F. Thompson
G. Lucien Drury	Harry J. Meyers	S. G. Thornberry
W. D. Duncan	Claude D. Minor	D. D. Thornberry
George W. Ellis	R. C. Moore	John M. Tinsley
Mrs. M. E. Flannery	R. D. McMurtry	Garnett W. Tolin
Emery L. Frazier	E. E. Nelson	N. I. Toombs
Bryant Green	D. A. O'Donovan	Chas. B. Truesdell
Ed. A. Gullion	H. Walter Pierce	Fred C. Vanhooose
J. Edgar Hadden	S. R. Powell	Oscar Vest
Oscar P. Harvey	Arch M. Quarles	Geo. C. Waggoner
H. C. Hawkins	J. L. Richardson	W. T. Walker
Thos. O. Holder	David I. Scott	W. S. Wallen
N. T. Hopkins	Lee L. Simons	W. G. Wheeler
J. T. Jennings	George W. Smith	

Resolved that the title thereof be as aforesaid.

Mr. Minor moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 139. An Act to provide for the election of subdistrict trustees in county rural school districts, and defining their duties.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That on and after the passage of this act subdistrict trustees in county rural school districts shall be elected by the qualified voters of such district every two years. The election shall be conducted by two persons possessing all the qualifications of electors who reside in the district, to be appointed by the County Board of Education. The election shall be held at the school house in each subdistrict on the first Saturday in May between the hours of 2 o'clock p. m. and 4 o'clock p. m., and shall be viva voce. The officers of the election shall keep a record book in which the name of each person voting is recorded and the candidate for whom he votes, which book shall be properly certified by said officers and turned over to the County Board of Education within five days of the election. The person receiving the highest number of votes cast shall be elected subdistrict trustee for a term of two years and until his successor is elected and qualified. Any vacancy that may exist in the trusteeship of any school subdistrict shall

upon the recommendation of the County Superintendent be filled by appointment by the County Board of Education, and the trustee thus appointed shall hold office until the next regular election for subdistrict trustees.

§ 2. It shall be the duty of subdistrict trustees to visit the schools in his subdistrict at least once each month while the school is in session, and to report to the County Superintendent from time to time the condition of the school and the needs thereof. He shall under the supervision and direction of the County Superintendent take the census of the pupil children of the subdistrict and make such reports thereof as the law requires. It shall further be the duty of the subdistrict trustee to meet with the County Board of Education at such times as it may request him in writing to do so, and to advise with and to give such information as he may possess relating to the qualification and fitness of applicants to teach, and the general needs of the school.

It is further made the duty of the subdistrict trustee to assist the County Superintendent and teacher in the enforcement of the compulsory attendance law in counties where no attendance officer is employed.

§ 3. The first election to be held under this act shall be held on the first Saturday in May, 1923, and the trustees then elected shall qualify and enter upon the discharge of the duties of their respective offices as soon as the vote can be examined and certified by the County Board of Education.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill

in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

R. M. Amos	J. T. Jennings	J. L. Richardson
W. M. Boling	Lester Jeter	David I. Scott
J. F. Bosworth	H. R. Lawrence	Lee L. Simons
Thos. Bowman	Leon P. Lewis	George W. Smith
Berl Boyd	C. C. May	R. F. Stewart
John E. Brown	Harry J. Meyers	Frank L. Strange
Sam A. Cary	Harry B. Miller	H. V. Thompson
Bryce Cundiff	Claude D. Minor	Geo. F. Thompson
O. A. Denton	R. C. Moore	S. G. Thornberry
G. Lucien Drury	S. H. Moore	D. D. Thornberry
George W. Ellis	B. A. Muster	John M. Tinsley
Mrs. M. E. Flannery	R. D. McMurtry	N. I. Toombs
Dr. H. M. Fultz	E. E. Nelson	Chas. B. Truesdell
Bryant Green	Chas. A. Nelson	Fred C. Vanhooose
Ed. A. Gullion	C. C. Oney	W. T. Walker
J. Edgar Hadden	H. Walter Pierce	W. S. Wallen
H. C. Hawkins	S. R. Powell	W. G. Wheeler
Thos. O. Holder	Arch M. Quarles	T. C. Willis

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Resolved that the title thereof be as aforesaid.

Mr. Minor moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

A message was received from the Senate announcing that they had passed a bill which originated in the House entitled:

H. B. 276. An Act to amend chapters 11 and 164, Acts of 1920, relating to the classifications of cities and towns.

Together with the following Amendments, viz.:

“Amend H. B. 276 by striking out all of line 3 and the

words "in cities of the fourth class" in line 4 of Section 1 of the printed bill and by striking out the period at the end of line 19 of section 1 of the printed bill and placing a semi-colon in place thereof, and adding immediately after the words "Maysville, Mason County," and by striking out the words "Maysville, Mason County," line 39 of section 1 of the printed bill.

"Amend H. B. 276 by striking out in line 5, section 1, the words "Sturgis, Union County." Also in line 38, page 2, the words "Sturgis, Union County."

Mr. Drury moved that this House do unconditionally refuse to concur in said Amendments.

Said motion was agreed to.

Ordered that the Chief Clerk of this House report the action of the House to the Senate.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 112. An Act to continue the existence of the Kentucky Council of Defense for the sole purpose of completing the work of gathering, arranging and preserving the history of Kentucky's part in the World War, making an appropriation for that work and providing for final disposition of its War Historical Records.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Kentucky Council of Defense, created by Act approved March 15, 1918, and continued in existence by

Act of March 23, 1920, for two years from the end of the 1920 session of the General Assembly of the Commonwealth of Kentucky, be continued in existence for an additional period of two years from the end of the 1922 session of the General Assembly of the Commonwealth of Kentucky for the sole purpose of completing the work of gathering, arranging and preserving all material relating to Kentucky's part in the World War, and to that end said Council shall have power and it shall be its duty to employ and fix the compensation of such agents as may be necessary to enable it to complete said work.

§ 2. Said Council shall, during the time for which its existence is extended by section one of this Act, be composed of only three members, to be appointed by the Governor, one of whom shall be appointed as Chairman.

§ 3. Said Council, as continued in existence under this Act, shall have power, during the two years in which its existence is continued under this Act, to expend any balance, (estimated at about \$3,000.00), which may remain to its credit out of the appropriation of \$7,500.00 per year for two years made by the Act of March 23, 1920, (Chapter 88 of Acts 1920), and said unexpended balance is appropriated to said Council out of the general funds of the State or out of such special funds as may be approved by the General Assembly of Kentucky, and there is also appropriated out of the General funds of the State, or out of such special funds as may be provided by the General Assembly of Kentucky, an additional sum of \$3,000.00, to enable said Council to carry out the purpose of this Act; the funds from said unexpended balance and the appropriation made by this Act, to be paid upon warrant drawn by the Auditor upon the treasurer of the Commonwealth of Kentucky. No voucher for expenses shall be paid unless authorized by said Council and approved by the Chairman.

§ 4. When the Council completes the historical work, it

shall deliver all of its records of statewide interest to the Adjutant General of Kentucky at Frankfort, Ky., and shall deliver the bound volumes of county histories to the county clerks of the respective counties, or to the principal public library in the respective counties, if there be such library.

§ 5. All laws and parts of laws inconsistent herewith are hereby repealed.

§ 6. Whereas it is necessary that this Act should take effect at once in order that the work of gathering, arranging and preserving the material relating to Kentucky's part in the World War should not be interrupted, an emergency is hereby declared to exist, and this Act shall take effect from and after its passage and approval as required by law.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Samuel W. Adams	E. B. Cross	Ed. A. Gullion
R. M. Amos	Bryce Cundiff	J. Edgar Hadden
B. C. Beckmann	O. A. Denton	Arch L. Hamilton
C. W. Bennett	A. W. Dorsey	Oscar P. Harvey
J. E. Bickett	G. Lucien Drury	H. C. Hawkins
W. M. Boling	H. C. Duffy	Thos. O. Holder
J. F. Bosworth	W. D. Duncan	N. T. Hopkins
Thos. Bowman	George W. Ellis	David J. Howard
Berl Boyd	Mrs. M. E. Flannery	Lester Jeter
John E. Brown	Emery L. Frazier	Ira Jones
W. R. Button	Dr. H. M. Fultz	S. B. Lane
Sam A. Cary	Bryant Green	H. R. Lawrence

Leon P. Lewis	C. C. Oney	D. D. Thornberry
Martin Light	James Park	John M. Tinsley
Rufus Lisle	H. Walter Pierce	Garnett W. Tolin
C. C. Oney	S. R. Powell	N. I. Toombs
Harry J. Meyers	Arch M. Quarles	Chas. B. Truesdell
Harry B. Miller	R. I. Rice	Fred C. Vanhoose
Claude D. Minor	J. L. Richardson	Oscar Vest
S. H. Moore	David I. Scott	Geo. C. Waggoner
Ed. P. Murrah	Lee L. Simons	W. T. Walker
B. A. Muster	Ira D. Smith	W. S. Wallen
W. T. McGuire	R. F. Stewart	W. G. Wheeler
R. D. McMurtry	Frank L. Strange	J. B. Wicker
E. E. Nelson	H. V. Thompson	T. C. Willis
Chas. A. Nelson	Geo. F. Thompson	
D. A. O'Donovan	S. G. Thornberry	

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There voted in the negative—

J. T. Jennings

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Resolved that the title thereof be as aforesaid.

Mr. Minor moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

A message was received from the Senate announcing that they had refused to recede from Amendments originated and adopted in the Senate to a bill which originated in this House entitled:

H. B. 276. (For title see Journal of today.)

And that they had appointed a Conference Committee composed of Senators Daugherty, Marshall and Points and requested a similar Committee to be appointed upon the part of the House.

Thereupon the Speaker appointed the following as constituting said Committee, Messrs. Waggoner, Drury and C. A. Nelson.

Ordered that the Chief Clerk of this House deliver the bill and the Amendments thereto into the possession of said Committee.

A message was received from the Senate announcing that they had passed bills which originated in the House of the following titles, viz.:

H. B. 228. An Act to create a Commission, to be known as "The Kentucky Child Welfare Commission" and to prescribe its duties and functions.

H. B. 245. An Act to amend and to re-enact Sec. 4364 of the Kentucky Statutes, Carroll's Edition, 1918, relating to a common school and fixing the length of term.

H. B. 296. An Act relating to banks and repealing subsec. 9 of Sec. 165a of Kentucky Statutes, and re-enacting the same.

H. B. 291. An Act repealing Sec. 165a, Kentucky Statutes, and re-enacting the same, relating to banks.

Ordered that said bills be delivered to the Enrolling Clerk of this House.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 178. An Act to protect the title of motor vehicles

and trailers within this State; to provide for the issuance of certificates of title and evidence of registration thereof; to regulate purchase and sale or other transfer of ownership; to facilitate the recovery of motor vehicles and trailers stolen or otherwise unlawfully taken; to provide for the regulation and licensing of certain dealers in used and second-hand vehicles as herein defined; to prescribe the powers and duties of the State Tax Commission hereunder; and to provide penalties for violation of the provisions hereof.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Definitions. The words and phrases used in this act shall be construed as follows, unless the context may otherwise require:

(a) The term "motor vehicle" shall include all vehicles impelled by power other than muscular power, except motorcycles operated by policemen or firemen when on official business, also all motor vehicles, including trucks, owned and operated by municipalities, or by the State, or by any State institution: Provided, that the same shall be designated by proper signs in which department of said municipality, or State, or institution, said trucks or other motor vehicles are employed, traction engines, road rollers, fire wagons, fire engines, police patrol wagons and such vehicles as run only upon rails or tracks.

(b) The term "State" as used in this act, except where otherwise expressly provided, shall also include the territories and the Federal districts of the United States.

(c) The term "owner" shall also include any person, firm, association, or corporation renting a motor vehicle or having the exclusive use thereof, under a lease or otherwise, for a period greater than thirty days.

(b) "Vehicle." Any motor vehicle, trailer, or semi-trailer as herein defined.

(e) "Used vehicle." A motor vehicle, trailer or semi-trailer which has been sold, bargained, exchanged, given away or title transferred, from the person who first took title to it from the manufacturer or importer, dealer or agent of the manufacturer or importer, and so used as to have become what is commonly known as "second-hand" within the ordinary meaning thereof.

(f) "Manufacturer." A person, firm, corporation or association engaged in the manufacture of new motor vehicles, trailers, or semi-trailers, as a regular business.

(g) "Dealer." Any person, firm, corporation or association engaged in the purchase and sale of motor vehicles, trailers or semi-trailers, or in the leasing of the same for a period of thirty or more successive days.

§ 2. Certificate of title for motor vehicles. After July one, nineteen hundred and twenty-three, no certificate of the registration of any vehicle or number plates therefor, whether original issues, or duplicates, shall be issued or furnished by the State Tax Commission unless the applicant therefor shall at the same time make application for and be granted an official certificate of title of such motor vehicle or shall present satisfactory evidence that such a certificate covering such motor vehicle has been previously issued to the applicant. Said application shall be upon a blank form to be furnished by the State Tax Commission and shall contain a full description of the motor vehicle, which said description shall contain the manufacturer's number, the motor number, and any distinguishing marks, together with a statement of the applicant's title and of any liens or encumbrances upon said motor vehicle, and such other information as the State Tax Commission may require. The State Tax Commission, if satisfied that the applicant is the owner of such motor vehicle, or otherwise entitled to have the same registered in his name, shall thereupon

issue to the applicant an appropriate certificate of title over its signature, authenticated by a seal to be procured and used for such purpose. Said certificates shall be numbered consecutively, beginning with number one, and shall contain such description and other evidence of identification of said motor vehicle as the State Tax Commission may deem proper, together with a statement of any liens or encumbrances which the application may show to be thereon. The charge for each original certificate so issued shall be one dollar, which charge shall be in addition to the charge for the registration of such motor vehicle. Said certificate shall be good for the life of the car so long as the same is owned or held by the original holder of such certificate, and shall not have to be renewed annually, or at any other time except as herein provided. Upon the passage of this act it shall be the duty of the State Tax Commission to cause to be printed copies of this act, and to mail to every person, to whom it has issued a certificate of registration for the year nineteen hundred and twenty-two, one of such printed copies accompanied by a blank form of application for a certificate of title.

§ 3. In the event of the sale or other transfer after October one, nineteen hundred and twenty-two, of the ownership of a motor vehicle for which a certificate of title has been issued as aforesaid, the holder of such certificate shall endorse on the back of the same an assignment thereof, with warranty of title in form printed thereon, with a statement of all liens or encumbrances on said motor vehicle, and deliver the same to the purchaser or transferee at the time of the delivery to him of such motor vehicle. The purchaser or transferee shall, within ten days thereafter present such certificate, assigned as aforesaid, to the State Tax Commission, accompanied by a fee of one dollar, whereupon a new certificate of title shall be issued to the assignee. Said certificate, when so assigned and returned to the State Tax Commission, together with any subsequent assignments or re-issues thereof, shall be retained

by the State Tax Commission and appropriately filed and indexed, so that at all times it will be possible to trace title to the motor vehicle designated therein.

§ 4. Any person who shall operate a motor vehicle in this State under a registration number of this State after July one, nineteen hundred and twenty-three, without securing a certificate of title, as herein provided, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars, nor more than one thousand dollars, and from and after the first day of October, nineteen hundred and twenty-two, any person who sells a motor vehicle without complying with the requirements of section three hereof shall be guilty of a felony, and upon conviction thereof shall be punished by a fine of not more than one thousand dollars, or by imprisonment in any penal institution within the State not more than ten years, or both such fine and imprisonment, in the discretion of the court.

§ 5. Certificates of registration for motor vehicles. The State Tax Commission shall furnish with each number plate for motorcycles, and with each pair of number plates for motor vehicles, a receipt of registration, which shall contain upon the face thereof the following data: the name of the registered owner of the motorcycle or motor vehicle, the owner's post office address, the make of the vehicle, the year of model, the model or letter designated by the manufacturer, manufacturer's serial number, if any, the engine number, the registered horse power, the registration or license number, and date of issue of the receipt of registration. In case of motorcycles, the manufacturer's serial number shall be stated in lieu of the engine number. Such receipt of registration shall contain a blank space for the signature of the registered owner and shall be signed with ink by such owner immediately upon receipt. Such receipt of registration shall contain the registration number denoted on the number plate or plates, in connection with which such receipt of registration is issued. Said

receipt of registration shall also contain the engine number of the motor vehicle for which said receipt of registration is issued as denoted by certificate of title issued for said motor vehicle by the State Tax Commission. The receipt of registration referred to herein shall be subject to inspection by any peace officer at any time. Said receipt of registration shall, at all times while the motor vehicle for which it was issued is being operated within this State, be in the possession of the operator thereof.

§ 6. Upon the transfer of ownership of any motor vehicle or motorcycle registered under this act, the person in whose name such a motor vehicle or motorcycle is registered shall forthwith forward the receipt of registration to the State Tax Commission, with endorsement on the back thereof showing the name and post office address of the transferee, and the date of transfer. For failure to comply with this provision within ten days after the date of transfer, the transferor, upon conviction, shall, be fined not less than five dollars or more than fifty dollars.

§ 7. Thereupon it shall be the duty of the State Tax Commission to file such receipt of registration in a file to be known as "The Transfer of Ownership File." Unless the transferee as shown by the endorsement on the back of the receipt of registration, applies by mail, or otherwise, within ten days after the date of transfer of the motor vehicle for certificates of registration and title, the State Tax Commission shall notify said transferee at once to do so. Unless said transferee then makes application within five days after the receipt of such notice from the State Tax Commission for such certificates, he shall be considered to be driving a motor vehicle without registration, and upon conviction thereof shall be fined not less than five dollars or more than fifty dollars.

§ 8. If the State Tax Commission shall determine at any time that an applicant for a certificate of title of a motor vehicle is not entitled thereto, it may refuse to issue such

certificate or to register such vehicle, and may for a like reason, and after notice and hearing, revoke registration already acquired, on any outstanding certificate of title.

§ 9. Any person who shall knowingly make any false statement of a material fact, either in his application for the certificate of title herein provided for, or in any assignment thereof, or who, with intent to procure or pass title to a motor vehicle which he knows, or has reason to believe, has been stolen, shall receive or transfer possession of the same from or to another, or who shall have in his possession any motor vehicle which he knows, or has reason to believe has been stolen, and who is not an officer of the law engaged at the time in the performance of his duty as such officer, shall be deemed guilty of a felony and upon conviction shall be punished by a fine of not more than five thousand dollars or by imprisonment in any penal institution within this State for not more than ten years, or both, at the discretion of the court. This provision shall not be exclusive of any other penalties prescribed by any existing or future law for the larceny or unauthorized taking of a motor vehicle.

§ 10. In the case of dealers in motor vehicles, motorcycles, side cars or trailers, including manufacturers who sell to others than dealers, all of whom are intended to be covered by this and all other provisions of this section, a separate certificate of title, either of such dealer's immediate vendor, or of the dealer himself, shall be required in the case of each motor vehicle in his possession, and the State Tax Commission shall determine the form in which application for such certificates of title and assignments thereof shall be made: Provided, however, that no such certificate shall be required in the case of new motor vehicles sold by manufacturers to dealers as the term "dealers" is defined in section one of this act.

§ 11. In the case of lost certificates of title or registration, the loss of which is accounted for to the satisfaction of

the State Tax Commission, duplicates may be issued, the charge therefor to be one dollar each.

§ 12. Any person who shall alter or forge or cause to be altered or forged, any certificate of title issued by the State Tax Commission pursuant to the provisions of this section, or any assignment thereof, or who shall hold or use any such certificate or assignment knowing the same to have been altered or forged, shall be deemed guilty of a felony, and upon conviction thereof shall be liable to pay a fine of not more than five thousand dollars or to imprisonment in any penal institution within the State for a period of not more than ten years, or both, in the discretion of the court.

§ 13. Report of stolen and recovered motor vehicles. It shall be the duty of the sheriff of every county of the State, and of the chief of police or commissioner of police of every city having a population of more than ten thousand, to make immediate report to the State Tax Commission of all motor vehicles reported to him as stolen or recovered, upon forms provided for by the State Tax Commission. Upon receipt of such information, the State Tax Commission shall file the same in an index to be known as the "Stolen and Recovered Motor Vehicle Index." It shall also be the duty of the State Tax Commission to file reports of stolen and recovered motor vehicles reported to it from other states. The State Tax Commission shall publish once a month a list of all motor vehicles stolen or recovered during the previous month and forward a copy of the same to every sheriff in the State, and to all police departments in cities over ten thousand inhabitants. Such list shall also be forwarded to the State Tax Commission, or other proper officials, in each state of the United States. Before issuing a certificate of title, as heretofore provided, the State Tax Commission shall check the motor and serial number on the motor vehicle to be registered against the "Stolen and Recovered Motor Vehicle Index."

§ 14. Licensing of second-hand dealers. That after the

first day of January, nineteen hundred and twenty-three, it shall be unlawful for any person to carry on or conduct in this State the business of buying, selling or dealing in used vehicles or parts thereof, unless and until he shall have received a license from the State Tax Commission authorizing the carrying on or conducting of such business: Provided, however, that any manufacturer or importer of vehicles, or his subsidiaries or selling agents, may buy or take in trade and sell any used vehicle of his own make without such license. Such license shall be furnished annually by the State Tax Commission and shall run from the first day of January, nineteen hundred and twenty-three, and annually thereafter for each year, beginning on the first day of January. The application for said license shall be in such form as may be prescribed by the said State Tax Commission, and subject to such rules and regulations with respect thereto as may be prescribed by it. Such application shall be verified by oath or affirmation and shall contain a full statement of the name or names of the person or persons applying therefor, the name of the firm or co-partnership with the names and places of residence of all the members thereof, if such applicant be a firm or co-partnership, the name and residence of the principal officers, if the applicant be a body corporate or other artificial body, the name of the State under whose laws the corporation is organized, the location of the place or places at which such business is to be carried on and conducted, and said application shall contain such other relevant information as may be required by the State Tax Commission. It shall be accompanied by a statement of two reputable persons of the community in which the principal place of business is to be located, certifying to the good moral character of the person or persons applying for such license. Upon making such application the person applying therefor shall pay to the State Tax Commission a fee of five dollars. A license certificate shall be issued by the State Tax Commission in accordance with such application

when the same shall be regular in form and in compliance with the provisions of this section, and such license, when so issued, shall entitle the licensee to carry on and conduct the business of buying and selling and dealing in used vehicles and parts thereof, for a period of one year from the first day of January of the current year. The State Tax Commission shall have the power to make suitable rules and regulations for the issuance of such licenses to expire upon the first day of January of the succeeding year, when the application therefor shall be made during the current year, and upon payment of a license fee of three dollars, provided application is made after July first of any year. Any person conducting the business of buying, selling or dealing in used vehicles and having received a license therefor, shall, before removing any one or more of his places of business, or shall, before opening any additional places of business, apply to the State Tax Commission for, and obtain, a supplemental license, for which no fee shall be charged. Every such licensee shall keep a book or record in such form as may be prescribed or approved by the State Tax Commission, in which he shall keep a record of the purchase, sale or exchange or receipt for the purpose of sale, of any second-hand vehicle or parts thereof, a description of such vehicles or parts, together with the name and address of the seller, of the purchaser, and of the alleged owner or other person from whom such vehicle or parts were purchased or received, or to whom they were sold or delivered, as the case may be. Such description in the case of motor vehicles shall also include the engine number, if any, the maker's number, if any, chassis number, if any, and such other numbers or identification marks as may be thereon, and shall also include a statement that a number has been obliterated, defaced or changed, if such is the fact. In the case of a trailer or semi-trailer, the record shall include the manufacturer's number and such other numbers or identification marks as may be thereon. He shall also have in his possession a duly assigned

certificate of title from the owner of said motor vehicle in accordance with the provisions of another section of this act, from the time when the motor vehicle is delivered to him until it has been disposed of by him. Any person guilty of violating any of the provisions of this section shall be deemed guilty of a felony and punished by a fine of not more than one thousand dollars or by imprisonment in any penal institution within this State for not more than three years, or both, at the discretion of the court.

§ 15. The State Tax Commission is hereby given power (with the consent of the Governor) to appoint and pay from the fund hereinafter designated, deputies in addition to the present officers of the law to carry out the provisions of this act, and they, together with such deputies and existing officers of the law, are hereby given police power and authority throughout the State, to arrest without writ, rule, order or process, any person in the act of violating or attempting to violate in their presence, any of the provisions of this act, and they are hereby made peace officers of this State for that purpose. With the permission and consent of the sheriff of any county, or the chief of police of any city, the State Tax Commission is hereby authorized to employ temporarily and deputize any deputy sheriff or police officer to investigate any auto theft matters or other violations of this act, and any such officers so employed or deputized, shall have all the authority of peace officers as heretofore provided. Any officer or deputy of the State Taxing Commission shall have the authority and is hereby required to use reasonable diligence in ascertaining whether the owners and operators of motor vehicles are complying with the provisions of this act.

§ 16. All moneys received by the State Tax Commission under the provisions of this act shall be set aside and shall be known as the "Auto Theft Fund" and shall be held and retained in the State treasury as a separate fund and shall be used first to meet the necessary additional expenses of the

office of the State Tax Commission incurred by the performance of duties. If at the end of any fiscal year there is a balance in said fund, said balance shall revert to the general fund in the State treasury. All expenses which may be incurred by the State Tax Commission in printing this act and in the preparation and printing of the prescribed forms, together with the cost of postage and mailing and the necessary clerical assistance, shall be paid in the first instance out of the fund accruing from motor vehicle license fees and as soon as sufficient funds are available from the fees and collections provided for in this act, the license fund shall be reimbursed for the amount so paid.

§ 17. Any person who shall make any false affidavit, or shall knowingly swear or affirm falsely, to any matter or thing required by the terms of this act to be sworn or affirmed to, shall be guilty of perjury, and upon conviction, shall be punishable by fine and imprisonment as other persons committing perjury are punishable.

§ 18. If any provisions of this act shall be held by any court to be unconstitutional, such judgment shall not affect any other section or provision of this act.

§ 19. All laws or parts of laws in conflict with any of the provisions of this act are hereby expressly repealed.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Bennett
W. M. Boling
J. F. Bosworth

Thos. Bowman
Berl Boyd
W. R. Button

Sam A. Cary
Lee Clark
Bryce Cundiff

O. A. Denton	H. R. Lawrence	David I. Scott
G. Givens Dixon	Leon P. Lewis	Lee L. Simons
H. C. Duffy	Martin Light	George W. Smith
George W. Ellis	Harry J. Meyers	Ira D. Smith
Mrs. M. E. Flannery	R. C. Moore	R. F. Stewart
Emery L. Frazier	S. H. Moore	H. V. Thompson
Dr. H. M. Fultz	Ed. P. Murrah	Geo. F. Thompson
W. L. Gossett	B. A. Muster	H. Q. Thompson
Bryant Green	E. E. Nelson	S. G. Thornberry
Ed. A. Gullion	D. A. O'Donovan	Garnett W. Tolin
J. Edgar Hadden	C. C. Oney	N. I. Toombs
Oscar P. Harvey	Brodie Payne	Fred C. Vanhooose
H. C. Hawkins	H. Walter Pierce	Oscar Vest
N. T. Hopkins	S. R. Powell	W. T. Walker
R. O. Huntsman	R. I. Rice	W. S. Wallen
Lester Jeter	J. L. Richardson	W. D. Watkins
Wright Kelly	Arthur Saunders	J. B. Wicker

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Those who voted in the negative were—

R. M. Amos	E. B. Cross	John M. Tinsley
J. E. Bickett	Thos. O. Holder	—5

Resolved that the title thereof be as aforesaid.

Mr. Minor moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 57. An Act repealing Sec. 807, Kentucky Statutes, Carroll's 1915 Edition, and re-enacting the same.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section 807, Kentucky Statutes, Carroll's Edition,

1915, be and the same is hereby repealed and the following enacted in lieu thereof:

Any person who shall wilfully and maliciously tear up, displace, break or disturb any rail or other fixture attached to the track or switch of any railroad in operation or break any bridge or viaduct of such road, or who shall place any obstruction on the track or switch of such road or do any act whereby any engine or car might be upset, arrested or thrown from the track of such road or switch, or any bridge or turnout, shall be confined in the penitentiary not less than five nor more than twenty years. In the event death shall result to any person whosoever from the acts herein prohibited, the person guilty under this act shall be guilty of murder.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

R. M. Amos	Dr. H. M. Fultz	H. R. Lawrence
B. C. Beckmann	Bryant Green	Leon P. Lewis
C. W. Bennett	Ed. A. Gullion	C. C. May
J. E. Bickett	J. Edgar Hadden	Harry J. Meyers
Lee Clark	Oscar P. Harvey	R. C. Moore
E. B. Cross	H. C. Hawkins	S. H. Moore
Bryce Cundiff	Thos. O. Holder	Ed. P. Murrah
O. A. Denton	N. T. Hopkins	B. A. Muster
A. W. Dorsey	David J. Howard	W. T. McGuire
H. C. Duffy	J. T. Jennings	R. D. McMurtry
W. D. Duncan	Ira Jones	C. C. Oney
George W. Ellis	Wright Kelly	H. Walter Pierce

R. I. Rice	R. F. Stewart	Geo. C. Waggoner
J. L. Richardson	Frank L. Strange	W. T. Walker
Arthur Saunders	S. G. Thornberry	W. S. Wallen
David I. Scott	N. I. Toombs	W. D. Watkins
George W. Smith	Fred C. Vanhoose	W. G. Wheeler

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Resolved that the title thereof be as aforesaid.

Mr. Minor moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 200. An Act to repeal Sec. 1, Sec. 2 and Sec. 3 of Chapter 36 of the Acts of the General Assembly of 1920, relating to the election and qualification of members of county boards of education and providing for the selection of a treasurer thereof, and to enact in lieu thereof the following sections providing for a system by which the county district may be divided into five divisions as nearly equal in population as practicable, etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 1, Section 2, and Section 3 of Chapter 36 of the Acts of the General Assembly of 1920, relating to the election and qualification of members of county boards of education and providing for the selection of a treasurer thereof, be and the same is hereby repealed and that there be enacted in lieu thereof the following sections providing for a

system by which the county district may be divided into five divisions as nearly equal in population as practicable, and for the election of one member of the county board of education from each such division, and fixing the manner and time of the election, the term of office, and the jurisdiction of the county board so elected, and providing for the selection of a treasurer thereof.

§ 2. Each county district in the Commonwealth of Kentucky at the time this act goes into effect shall be under the management and control of a county board of education, consisting of five members to be nominated and elected as hereinafter provided for.

§ 3. It shall be the duty of the county board of education of each county in this State, serving at the time this act goes into effect, as soon as practicable after this act goes into effect but not later than July 1, 1923, to meet and to divide their respective county school district into five divisions as nearly equal in population as is practicable, and to cause boundaries to be made for such division which shall be recorded in a book to be kept in the office of the county board of education; provided, that divisions shall contain so far as practicable integral voting precincts.

Any citizen may except to the action of the board in forming any division, and shall have a right to be heard; and if any citizen residing in any such division shall feel himself aggrieved he shall have a right to prosecute an appeal to the county court and from the county court to the circuit court in which such county is located. The procedure on appeals shall be the same as in other civil cases.

§ 4. The county board of education in each county in this Commonwealth, after such counties have been laid off into five divisions as herein directed, shall be elected every two years by the qualified voters of such divisions, each division being entitled to elect one member, as herein provided.

The first election under this act shall be held at the regu-

lar November election in 1923, and the members so elected shall qualify and assume the duties of the office on the first Monday in January, 1924.

Any person shall be eligible to the office of member of the county board of education who is over twenty-one years of age, and who has had a common school education, and who has been a resident in the county for which he or she is elected at least one year next preceding his or her election, and who is a resident of that division of the county district that he or she is chosen to represent, and who is not in the employ of the county board of education and not a party to any contract with the same.

All elections for members of the county board of education under this act shall be held on the regular election day in November, and shall be at the regular voting place in each precinct in each county, and shall be by secret and separate ballot. Said elections shall be conducted by the same officers who conduct the regular November election, and except where otherwise provided in this act, such elections shall in all particulars be conducted in the same manner as other general elections.

It shall be the duty of the county court clerk to cause to be printed on the ballot used for the election of members of the county board of education the names of all candidates in each division for membership on the county board of education in whose behalf he may be petitioned so to do in writing by not fewer than twenty-five legal voters of the said county entitled to vote in said election and living in said division. The petition herein provided for must be filed in the office of the county clerk not more than sixty days nor less than fifteen days before the day of the election, and no person shall sign more than one petition or the petition of any person who does not reside in the division in which the petitioner resides.

When any vacancy shall occur on the county board of education, the vacancy shall be filled by appointment of the

board, but the person so appointed shall reside in the division in which the vacancy occurred.

It shall be the duty of the county court clerk to prepare a separate ballot on which shall be placed the names of candidates for membership on the county board of education, which shall show the division in which each candidate is to be voted for, and which shall be in the form prescribed by the general election law of the State except that no party emblem or device or distinguishing mark of any character shall be placed on said ballot save the words "school ticket," at the head thereof, and such directions as will aid the elector, and the names of candidates for membership on the county board of education in each division shall be printed under the said heading in a single column; the names shall be printed on the ballots as arranged by lot. Each voter in each division shall be entitled to vote for one candidate living in that division and seeking to represent that division on the county board of education. If any voter votes for more than one candidate or for any candidate living in any other division than the one in which the voter resides, then this ballot shall be treated by the election officers as a mutilated ballot and not counted for any person in said election. The candidate in each division receiving the highest number of votes shall be declared to be elected. The ballots cast at said election shall be deposited in a separate ballot box furnished for that purpose by the sheriff of that county. The election officer shall make out for said election a separate tally sheet and certificate which shall be returned and canvassed as now provided by law in other general elections.

§ 5. The county board of education first elected under the provisions of this act shall hold its first meeting on the first Monday in January, 1924, and at such meeting shall organize by electing one of its members to serve as chairman and one as vice chairman. Other regular meetings shall be held at least once in each school term and such special meetings

may be held as the county superintendent or a majority of the board may order. The board, by order entered upon its record book, shall designate its regular meeting days, but in all special meetings called by the county superintendent or by the chairman or by the majority of the board, written notice of the same must be mailed to members of said board at least three days prior to date of such special meetings. Members of the county board of education shall receive no salary, but each member shall receive a per diem of \$5.00 and in addition thereto shall be allowed out of the county school fund his actual and necessary expenses in attending said board meetings, provided that not more than seventy-five dollars shall be spent as per diem and expenses of each member in any one year.

The county superintendent of schools shall be the executive officer and secretary of the county board. He shall attend all meetings of the county board and each meeting of its committees except when his own tenure, salary, or the administration of his office is under consideration, and he shall have the right to advise on any question under consideration, but he shall not have the right to vote.

§ 6. The county board of education so elected shall have the same power, authority, and jurisdiction as now conferred by law on county boards of education except the board shall elect in the month of May, 1924, and biennially thereafter a treasurer other than the county superintendent of schools, and who shall not be a member of the board. The board shall give at least ten days' notice of its meeting to select a treasurer and shall receive sealed bids from persons and corporations who desire to act as such treasurer, and the person or corporation filing the best bid shall be selected. The treasurer so selected shall be required to execute, with approved security, the bonds now required by law to be executed by the county superintendent as such treasurer, and shall serve without pay, and shall perform the duties now imposed and that may hereafter be imposed by law.

§ 7. All funds and securities due and belonging to the county board of education for the use of the public schools of the county district, or of any subdistrict thereof shall go into the hands of said treasurer, who shall, together with his sureties, be responsible therefor; and he shall pay out of said funds only for the purposes for which they were respectively collected, upon the order of the county board of education evidenced by warrant signed by the chairman and secretary of the board.

§ 8. The first county board elected under this act shall, so far as is consistent with the welfare of the schools and with the best interests of the pupil children of the county, continue in force such valid contracts as were executed by the old county board of education which by their terms have not expired.

§ 9. All laws and parts of laws in conflict herewith are hereby expressly repealed.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the negative were—

R. M. Amos	Lee Clark	J. Edgar Hadden
B. C. Beckmann	Bryce Cundiff	Oscar P. Harvey
C. W. Bennett	O. A. Denton	H. C. Hawkins
J. E. Bickett	W. D. Duncan	N. T. Hopkins
W. M. Boling	George W. Ellis	R. O. Huntsman
Thos. Bowman	Dr. H. M. Fultz	J. T. Jennings
Berl Boyd	Ed. A. Gullion	Lester Jeter

Ira Jones	C. C. Oney	Geo. F. Thompson
S. B. Lane	James Park	S. G. Thornberry
H. R. Lawrence	H. Walter Pierce	D. D. Thornberry
Martin Light	S. R. Powell	John M. Tinsley
C. C. May	R. I. Rice	N. I. Toombs
R. C. Moore	J. L. Richardson	Fred C. Vanhooose
S. H. Moore	Arthur Saunders	Geo. C. Waggoner
Ed. P. Murrah	David I. Scott	W. T. Walker
B. A. Muster	Lee L. Simons	W. S. Wallen
C. D. McCaw	George W. Smith	W. G. Wheeler
W. T. McGuire	R. F. Stewart	J. B. Wicker
R. D. McMurtry	Frank L. Strange	T. C. Willis
E. E. Nelson	H. V. Thompson	

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There voted in the negative—

David J. Howard

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Resolved that the title thereof be as aforesaid.

Mr. Minor moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 69. An Act amending sec. 4646 of Kentucky Statutes, relating to stock running at large.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the Act entitled “An Act to regulate stock running at large” and being an Act of May 16, 1893, and the amend-

ments thereto and being Chapter 122 Sections 4646, 4647, 4648, 4649, 4650 and 4651 of Kentucky Statutes, be and the same is hereby repealed and in lieu thereof the following is enacted:

§1. Upon the petition of one hundred voters of any county filed in the County Court of such county, asking a submission of the question whether cattle, or any species thereof, shall be permitted to run at large in such county, the County Court shall direct the officers of election in such county to open a poll at the next regular election held in such county in not less than sixty days after the filing of such petition, for the purpose of ascertaining the will of the voters of such county or district upon the condition whether or not they wish cattle, or any species thereof, to run at large in said county.

§ 2. No polls shall be opened unless the petitioners shall deposit with the County Court, at the time the petition is filed, an amount sufficient in the judgment of the court to defray the expenses of the election upon this question, nor shall such question be submitted unless notice thereof be published twenty days before the election in at least four issues of the paper in such county, if there be one, having the largest bona fide circulation in the county, but if there is no paper published in the county, notice shall be given by posting notices thereof on the court house door and in four other public places in the county.

§ 3. The petition filed in the County Court and the notices required to be published or posted, shall state whether it is desired to prohibit the running at large of cattle generally or only certain species thereof, and if only certain species, they shall be designated by name.

§ 4. When an election is ordered as herein provided, the county clerk shall have printed on the ballots the question: "Are you in favor of making it unlawful for cattle (or the species thereof designated in the petition) to run at large on the public highways and uninclosed lands of

county?" and if a majority of those voting upon this question shall vote in favor of permitting cattle (or the species thereof named in the petition) to run at large, then this law shall not be in effect in the county where the vote is taken; but if a majority of those voting upon this question shall vote against the running at large of cattle, or the species thereof named in the petition, then it shall be unlawful, after thirty days from said election, for any person to permit any cattle, or the species thereof named in the petition, owned by or under his control or fined not less than \$5.00 nor more than \$25.00 for each offense, and if any damages shall be committed by cattle in any such county, the owner of such cattle shall be liable for all such damages, whether the place where the damages occurred be inclosed by a lawful fence or not, and the person damaged shall have a lien on the cattle committing the damage for the amount thereof and costs of suit; and it shall furthermore be the duty of any constable, sheriff or town marshal to impound any cattle found running at large in such county, and the owner or bailee thereof shall pay to the officer impounding, for each head so impounded one dollar and the cost of feeding and taking care of such cattle; provided, the cost of impounding any number of cattle, at any one time, shall not exceed \$3.00 and the cost of feeding, and such officer shall have lien on the cattle so impounded for his fees and expenses which he may enforce in the same manner that mortgage liens are enforced.

§ 5. The poll of elections held under this law shall be compared and the result announced in the manner, at the time and by the persons authorized to compare the polls and declare the result in elections held for county officers and the result shall be spread upon the records of the county court at its next regular term held after the result is declared. The result of the election may be contested in the manner provided for the contest of elections held for county officers, except that notice of the contest shall be signed by at least five persons who voted at the election and shall be served upon at least

five persons who voted on the opposite side at the election, and costs shall be recovered by the prevailing party as in other cases of contested elections for county officers.

§ 6. In any county in which a vote is taken under this law, another vote shall not be taken until after the expiration of four years from the time the last vote was taken.

§ 7. All laws and parts of laws in conflict herewith are hereby repealed.

Together with the following Amendment thereto, viz.:

“Amend S. B. 69 in the House in line 22 by striking therefrom the word “four” and inserting in lieu thereof, the word “two.”

Said Amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, and the same being engrossed, it was read the third time by its title and passed.

The yeas and nays being required thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

R. M. Amos	O. A. Denton	David J. Howard
B. C. Beckmann	G. Givens Dixon	R. O. Huntsman
C. W. Bennett	George W. Ellis	S. B. Lane
J. E. Bickett	Mrs. M. E. Flannery	H. R. Lawrence
W. M. Boling	Emery L. Frazier	Leon P. Lewis
J. F. Bosworth	W. L. Gossett	Martin Light
Thos. Bowman	J. Edgar Hadden	Rufus Lisle
Berl Boyd	Arch L. Hamilton	Claude D. Minor
Sam A. Cary	H. C. Hawkins	R. C. Moore
Chas. Chandler	N. T. Hopkins	S. H. Moore

B. A. Muster	Arthur Saunders	Chas. B. Truesdell
W. T. McGuire	Lee L. Simons	Oscar Vest
R. D. McMurtry	Ira D. Smith	W. T. Walker
E. E. Nelson	R. F. Stewart	W. S. Wallen
Geo. W. Newman	Frank L. Strange	W. D. Watkins
C. C. Oney	Geo. F. Thompson	W. G. Wheeler
Brodie Payne	S. G. Thornberry	T. C. Willis
H. Walter Pierce	D. D. Thornberry	
R. I. Rice	N. I. Toombs	

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Those who voted in the negative were—

E. B. Cross	W. D. Duncan	D. A. O'Donovan
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—3

Resolved that the title thereof be as aforesaid.

Mr. Minor moved that the vote by which said bill was passed be reconsidered and that motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 98. An Act to amend subsec. 2 of sec. 4866b, Kentucky Statutes, Carroll's 1915 Edition, regulating the hours of employment of females in certain industries.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Subsection 2 of Section 4866b, Kentucky Statutes, Carroll's 1915 Edition, be and the same is hereby amended

and re-enacted, so that said Subsection, when so amended and re-enacted, shall read as follows:

No female of whatever age shall be employed, suffered or permitted to work in any laundry, bakery, factory, workshop, store, or mercantile, manufacturing or mechanical establishment, or hotel, restaurant, telephone exchange or telegraph office more than sixty (60) hours in any one week, nor more than ten (10) hours in any one day, provided that the aforesaid restriction as to hours shall not apply to females engaged in the canning of fruit or vegetable products.

Mr. Waggoner moved that said bill lie on the table.

Said motion was agreed to.

And so said bill was rejected.

A message was received from the Senate announcing that they had passed bills which originated in this House of the following titles, viz.:

H. B. 320. An Act to regulate the sale and distribution of agricultural seed, defining same and fixing penalties for violation thereof; providing and appropriating funds to carry out the provisions of the Act; and repealing Chapter 62, Acts of 1916 entitled "An Act to regulate the sale of agricultural and other seeds."

H. B. 196. An Act to regulate brokerage business.

H. B. 54. An Act to amend and re-enact sec. 4042a-8, article q, chapter 108 of an Act entitled "An Act to abolish the Assessor's office and to provide in lieu thereof a county tax commission, etc."

H. B. 174. An Act to provide for the commitment, gov-

ernment and conduct of delinquent children committed to the Houses of Reform during their confinement in said Houses of Reform and while on parole, and declaring an emergency.

H. B. 418. An Act relating to cities of the sixth class.

H. B. 91. An Act to amend and re-enact sec. 3146 of Kentucky Statutes, Carroll's Edition, 1915, relating to Police Judges in cities of the second class.

Ordered that said bills be delivered to the Enrolling Clerk of this House.

The Committee on Conference heretofore appointed by the Senate and the House of Representatives to consider the Amendments which originated and were adopted by the Senate to a bill which originated in the House entitled:

H. B. 276. (For title see Journal above.)

Offered the following report:

We the undersigned Conference Committee appointed by the President of the Senate and the Speaker of the House to reach an agreement between the two bodies relative to the Amendments adopted by the Senate to H. B. 276 to which Amendments the House refused to concur respectively report the following:

That we recommend that the first Amendment relative to Maysville, Mason County, be concurred in by the House of Representatives and that the Senate recede from the second Amendment they placed to said bill to Sturgis, Union County.

A message was received from the Senate announcing that they had adopted said Conference Report.

Thereupon the House concurred in said report.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Samuel W. Adams	H. C. Hawkins	Arthur Saunders
B. C. Beckmann	Thos. O. Holder	David I. Scott
C. W. Bennett	David J. Howard	Frank L. Strange
J. E. Bickett	S. B. Lane	D. D. Thornberry
W. M. Boling	H. R. Lawrence	John M. Tinsley
J. F. Bosworth	Leon P. Lewis	Garnett W. Tolin
Thos. Bowman	Martin Light	N. I. Toombs
Sam A. Cary	Rufus Lisle	Chas. B. Truesdell
Chas. Chandler	C. C. May	Oscar Vest
Bryce Cundiff	Harry J. Meyers	Geo. C. Waggoner
G. Givens Dixon	Claude D. Minor	W. T. Walker
G. Lucien Drury	S. H. Moore	W. S. Wallen
W. D. Duncan	W. T. McGuire	W. D. Watkins
George W. Ellis	R. D. McMurtry	W. G. Wheeler
Mrs. M. E. Flannery	Chas. A. Nelson	J. B. Wicker
Bryant Green	C. C. Oney	T. C. Willis
Ed. A. Gullion	H. Walter Pierce	
Arch L. Hamilton	R. I. Rice	

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Mr. Dorsey of the Committee on Enrollments reported that they had examined and found correctly enrolled bills of the following titles:

S. B. 113. An Act to amend an act entitled “An Act defining boundaries for School Districts embracing cities of the fourth class and providing systems of schools in such districts and creating Boards of Education for such districts, providing for the election thereof, defining their powers and duties and repealing all laws in conflict therewith.

S. B. 245. An Act accepting, in behalf of the Commonwealth of Kentucky, from Arch H. Pulliam and others, con-

stituting the Old Kentucky Home Commission, title to the estate near Bardstown, Kentucky, known as "Federal Hill" creating a commission to receive and hold title to said property under the name of "My Old Kentucky Home Commission"; prescribing the qualification of the members, duties and appropriation for said commission for improvement and maintenance of Federal Hill.

S. B. 246. An Act to amend and re-enact Section 11, Chapter 69 of the Acts of the General Assembly of 1918, entitled, "An Act to suppress, prevent, control and eradicate communicable diseases in live stock; to provide the necessary officers and define their duties and to appropriate funds necessary for its enforcement and repealing section 63A, of article 2, chapter 3, Carroll's 1915 Edition of the Kentucky Statutes.

S. B. 73. An Act amending sections 20 and 128 of an act March 11th, approved July 1st, 1893, entitled "An Act for the government of the cities of the first class, said sections being designated, respectively as sections 2782 and 2713, Kentucky Statutes, Carroll's Edition 1915, and related to the enactment, in such cities of ordinances imposing fines for misdemeanors and the imposition of fines and penalties by the police courts of such cities.

S. B. 170. An Act amending and re-enacting Section 2982, Kentucky Statutes, Carroll's Edition of 1915, (being Section 197 of the Act approved July 1st, 1893, entitled "An Act for the government of cities of the first class," as amended by section 2 of the acts approved March 16th, 1898, entitled, "An Act to amend an act entitled "An Act for the government of the cities of the first class," approved July 1st, 1893;") and providing for the borrowing by such cities, of funds for current fiscal needs, and the pledging of current taxes and revenues to secure such loans.

S. B. 152. An Act to amend and re-enact section 4224, of the Kentucky Statutes (Carroll's Edition, 1915), relating to revenue and taxation.

S. B. 120. An Act providing that the desertion of a pregnant wife by her husband shall be a felony, prescribing penalties therefor and amending sub-section 1 of section 331-i of Chapter 18 of the Kentucky Statutes, which was an act of March 4th, 1916, pertaining to the desertion and abandonment of children.

S. B. 192. An Act to amend Section 25, subsections 2, 3, 4, 5, 6 and 11, respectively of Chapter 19, Acts of 1916, of the General Assembly of Kentucky, approved by the Governor March 15th, 1916.

S. B. 186. An Act to re-enact and amend section 687, Kentucky Statutes, relating to the character of business to be done by insurance companies.

S. B. 208. An Act for the Home for Incurables.

S. B. 158. An Act to provide for the acceptance of the benefits of an act passed by the Senate and House of Representatives of the United States of America in Congress assembled (H. R. 4438, approved June 2nd, 1920) entitled "An Act to provide for the promotion of vocational inhabitation of persons disabled in industry or otherwise and their return to civil employment to provide for the administration of same and to make appropriation therefor.

S. B. 4. An Act to provide for the elimination of grade crossings on the primary roads of the State; giving the State Highway Commission the power to order the elimination of such crossings and the power to direct the character of crossings to be substituted therefor; providing for appeal to the

Franklin Circuit Court from such orders of the State Highway Commission and for the appeal from the judgment of the Franklin Circuit Court to the Court of Appeals; and providing for the method of paying the cost incurred in the elimination of such crossings.

S. B. 55. An Act to amend, enlarge the powers, and re-enact section 553a of the Kentucky Statutes (Acts of March 20th, 1900), relating to bridges heretofore or hereafter constructed over navigable streams and rivers wholly within the boundary of the State of Kentucky.

S. B. 250. An Act to amend section 965 of the Kentucky Statutes, relating to the time for holding of Circuit Court in the twelfth judicial district, composed of the counties of Anderson, Henry, Shelby, Oldham, Spencer and Trimble.

S. B. 5. An Act relating to motor vehicles.

S. B. 212. An Act amending and re-enacting section 584, Kentucky Statutes, Carroll's Edition, relating to deposit in the banks, amount to be kept on hand and defining time and demand deposits.

S. B. 58. An Act repealing section 4369 of the Kentucky Statutes, Carroll's Edition, 1918, relating to granting certificates to pupils completing the elementary course of study in county school districts and in order to simplify the method of granting certificates to pupils completing the elementary course of study of county school districts.

S. B. 10. An Act establishing the Fiscal year of the counties of the Commonwealth of Kentucky.

S. B. 33. An Act amending and re-enacting section 1 of section 3235, Carroll's Edition, 1918, supplement to Kentucky Statistics.

S. B. 119. An Act to amend and re-enact section 3845 of Kentucky Statutes, Carroll's Edition, 1915.

Thereupon all other business was suspended, said bills were read at length and compared in open session and thereupon the Speaker in open session and in the presence of the House affixed his signature thereto.

Ordered that said bills be delivered to the Senate.

A message was received from the Senate announcing that they had passed bills which originated in this House of the following titles, viz.:

H. B. 180. "An Act to amend an act of the General Assembly of 1920 in Chapter so entitled 'An Act to amend and re-enact section 3738 of the Kentucky Statutes, Carroll's Edition, 1915, relating to the patrols.'"

H. B. 435. "An Act to repeal and re-enact section 4239a, Chapter 108, Kentucky Statutes, enacted March 19th, 1912, relating to the duties of the Clerks, Sheriffs and other officers under the revenue and taxation laws, and to direct the manner of making tax books."

Ordered that said bills be delivered to the Enrolling Clerk of this House.

Mr. Dorsey of the Committee on Enrollment reported that they had examined and found correctly enrolled bills of the following titles, viz.:

H. B. 467. An Act to amend an Act entitled: "An Act relating to roads and bridges, and establishing a system of primary roads for the State of Kentucky and known as Chapter 17 of the Acts of 1920.

H. B. 476. An Act amending chapter 17, Acts 1920, relating to roads and bridges.

H. B. 228. An Act to create a Commission to be known as "The Kentucky Child Welfare Commission" and to prescribe its duties and functions.

H. B. 452. An Act to amend sec. 5, project 32, of chapter 17 of the Acts of the General Assembly, 1920, by adding to and extending said project.

Thereupon all other business was suspended and said bills were read at length and compared in open session and thereupon the Speaker in open session and in the presence of the House affixed his signature thereto.

Ordered that the Enrolling Clerk deliver said bills to the Senate.

After a time the Enrolling Clerk delivered the original and enrolled copy of said bills into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said bills to the Governor.

After a time the Clerk reported that he had discharged that duty.

A message was received from the Senate announcing that they had passed bills which originated in this House of the following titles, viz.:

H. B. 465. An Act to repeal the charter of East Bernstadt, a town of the sixth class, located in Laurel County, Kentucky.

H. B. 464. An Act to repeal the charter of Pittsburgh, a town of the sixth class, located in Laurel County, Kentucky.

H. B. 393. An Act to amend sec. 1, 9, 10, 35, 65, 73 and 74 of an Act entitled: "An Act to provide an elective system of Workmen's Compensation for Industrial Accidents" and known as chapter 33 of Acts of the General Assembly of the Commonwealth of Kentucky, approved by the Governor on March 23, 1916, etc.

H. B. 64. An Act relating to the parole of prisoners.

H. B. 388. An Act to amend an Act relating to revenue and taxation; and entitled: "An Act relating to revenue and taxation; creating a State Tax Commission, providing for the appointment, qualification and term of office of its members, prescribing its powers and duties, appropriating money therefor, providing for the assessment of property for taxation, and the supervision and equalization of assessments, and prescribing the powers and duties of county clerks, county tax commissioners, sheriffs, collectors, Railroad Commission, Auditor of Public Accounts and etc."

H. B. 16. An Act to amend the act of the General Assembly of 1910, creating the Bureau of Vital Statistics, being para. 6062a, Chapter 63, Carroll's Kentucky Statutes, and to provide for the publication of index lists of births and deaths registered in the Bureau of Vital Statistics.

H. B. 287. An Act to permit any co-operative marketing associations organized in any State other than Kentucky under substantially the same restrictions and limitations established by the Bingham Co-operative Marketing Act, to use the word "co-operative as part of its corporate or other name or title for producers' Co-operative marketing activities and de-

claring said organization not to be conspiracy nor an illegal monopoly."

H. B. 293. An Act to provide for the establishment and operation of credit unions in the Commonwealth of Kentucky.

Ordered that said bills be delivered to the Enrolling Clerk of the House.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 225. An Act for the benefit of the Red Cross Association (colored) of Louisville.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby appropriated out of any money in the treasury, not otherwise appropriated, the sum of five thousand dollars per annum for two years, payable annually for the benefit of the Red Cross Association (colored) of Louisville, and the Auditor of Public Accounts be, and he is hereby authorized and directed to draw his warrant upon the treasury annually for two years in favor of said Red Cross Association (colored) for the sum of five thousand dollars:

Provided, no part of said appropriation shall be paid until there has been executed on the part of said association a bond in the sum of ten thousand dollars, to the Commonwealth of Kentucky, with good and sufficient surety, stipulating and providing that all of said sums of money so appropriated shall be used for the equipment of a hospital to care for the indigent sick of the colored race, to be treated under the supervision and care of their own people, to equip, maintain and conduct,

in connection with said hospital, a nurses' training school, where girls of the colored race may be trained in practical and professional nursing; to keep and maintain in said hospital not less than five beds for the care and treatment of invalid and sick colored children, whose parents are not able to pay for such treatment, and such children as may be brought from the Colored Orphans' Home, Colored Reform School, Colored Blind Asylum and Colored Children's Home Society, and in no instance shall any of said sum be paid for officers' salaries, but as indicated to be used for purely charitable purposes to pay for equipment, maintenance, nurses, matron, food, medicines and physicians' services, and as provided in charter of the institution, and a failure to so do to be a forfeiture thereof. Said bond shall be approved by the Auditor of Public Accounts and kept as a record in his office. If any part of said appropriation be not so applied then all of such part thereof as may be unexpended shall be returned to and covered into the State Treasury. Said association by its proper officers, shall make an annual verified statement and settlement with the Auditor of Public Accounts showing when, where and how said appropriations have been applied and disbursed, and said association shall keep such books of accounts, as to its receipts and expenditures as may be prescribed by the State Inspector and Examiner, and which said books of accounts shall be subject to examination and audit by said State Inspector and Examiner:

Provided, further, that said association shall not at any time, or in any manner, anticipate any payments to it by reason of any appropriations hereby made.

§ 2. The said Auditor of Public Accounts is authorized and directed to draw his warrants upon the treasury in favor of said Red Cross Association (colored) on the first day of July, 1922, for five thousand dollars, and on the same day in 1923, for five thousand dollars.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, it was read the third time by its title and rejected.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

B. C. Beckmann	R. O. Huntsman	David I. Scott
C. W. Bennett	Ira Jones	Lee L. Simons
J. F. Bosworth	Leon P. Lewis	H. V. Thompson
Sam A. Cary	Martin Light	Geo. F. Thompson
Chas. Chandler	Harry J. Meyers	John M. Tinsley
E. B. Cross	Ed. P. Murrah	Chas. B. Truesdell
A. W. Dorsey	C. D. McCaw	Fred C. Vanhooose
Mrs. M. E. Flannery	R. D. McMurtry	Geo. C. Waggoner
Thos. O. Holder	Geo. W. Newman	W. T. Walker
N. T. Hopkins	S. R. Powell	—29

Those who voted in the negative were—

J. E. Bickett	J. Edgar Hadden	R. I. Rice
W. M. Boling	Lester Jeter	Ira D. Smith
Thos. Bowman	H. R. Lawrence	R. F. Stewart
Berl Boyd	Rufus Lisle	Frank L. Strange
Bryce Cundiff	Claude D. Minor	S. G. Thornberry
O. A. Denton	R. C. Moore	D. D. Thornberry
G. Givens Dixon	S. H. Moore	Garnett W. Tolin
H. C. Duffy	B. A. Muster	W. D. Watkins
George W. Ellis	C. C. Oney	W. G. Wheeler
Bryant Green	Brodie Payne	J. B. Wicker
Ed. A. Gullion	H. Walter Pierce	T. C. Willis
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Said bill failing to receive the Constitutional majority, the Speaker declared it rejected.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 255. An Act to provide excepting certain cases

for the taking of testimony of witnesses orally in open court in suits of equity in Circuit Courts other than those of continuous session, etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. In all trials in equity in circuit courts other than those of continuous sessions, the testimony of witnesses shall be taken orally in open court, without the intervention of a jury, and at the request of either party, the testimony shall be reported by the official stenographer and his duly certified transcript of the evidence shall have the effect on an appeal as such a transcript of evidence now has in an action at law, except that no bill of exceptions shall be necessary on such an equitable appeal; but if the testimony shall not be so reported stenographically during the trial or the transcript of evidence can not be procured, an appeal may be taken upon a bill of exceptions prepared in the same manner as bills of exception may now be prepared in actions at law; and the party desiring an appeal shall have the same time for filing the transcript of evidence or the bill of exceptions as is now allowed in actions at law for the filing of bills of exceptions, provided, however, that suits for alimony and divorce and suits in which the only defendant is, or all of the defendants are non-residents, infants, lunatics or otherwise non compos mentis, shall be prepared and tried in the same manner as now provided by law; and provided further, that depositions may be taken by order of the Court, or in vacation by the judge thereof, in any of the instances or cases provided for in the third and fourth sections of this Act.

§ 2. The Clerk of the Court shall keep a docket of all suits arising for trial under this act, which shall be known as the Equity Trial Docket, and he shall set cases therein for

trial upon specific days in the same manner as actions at law are now set for trial.

§ 3. The deposition of any witness may be taken and used before the court on any trial held under this act, where the deposition of such witness would now be competent in an action at law; and the court, or in vacation the judge thereof, may for good and exceptional cause for departing from the general rule, to be shown by affidavit, permit the deposition of named witnesses, to be used before the court, to be taken before an examiner or other officer authorized to take depositions, upon notice and terms to be specified in the order granting such permission.

§ 4. The Court, or in vacation the judge thereof, may for good cause shown by affidavit, permit the taking of depositions upon all or any of the issues in any suit for the settlement of the estate of a deceased person or in a suit in which there are numerous conflicting lien claims, or intricate questions of account, or upon any reference to a master, or special commissioner, or in any case where it is satisfactorily shown to the Court, or in vacation the judge thereof, that the ends of justice will be best subserved by permitting the taking of depositions upon the whole case or any specific issue or issues.

§ 5. No order shall be made allowing the taking of any depositions under sections three or four of this act, except upon a reasonable notice to the adverse party of the time and place of the application for such permission.

§ 6. All laws and parts of laws in conflict with this act are hereby repealed.

Ordered that said bill be read the third time.

The Constitutional provisions as to the third reading of said bill at length being dispensed with, it was read the third time by its title and rejected.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Bennett	Ira Jones	Lee L. Simons
J. E. Bickett	S. B. Lane	Ira D. Smith
John E. Brown	Leon P. Lewis	R. F. Stewart
G. Givens Dixon	Martin Light	Geo. F. Thompson
Mrs. M. E. Flannery	Harry J. Meyers	Garnett W. Tolin
Emery L. Frazier	B. A. Muster	Chas. B. Truesdell
Dr. H. M. Fultz	W. T. McGuire	John L. Trumbo
Bryant Green	D. A. O'Donovan	W. T. Walker
J. Edgar Hadden	H. Walter Pierce	
Lester Jeter	R. I. Rice	

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Those who voted in the negative were—

Samuel W. Adams	George W. Ellis	Brodie Payne
W. M. Boling	David J. Howard	Arch M. Quarles
Thos. Bowman	R. C. Moore	John M. Tinsley
Bryce Cundiff	R. D. McMurtry	N. I. Toombs
G. Lucien Drury	C. C. Oney	Fred C. Vanhoose

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Said bill failing to receive the Constitutional majority the Speaker declared it rejected.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 281. An Act to amend and re-enact sec. 1934, Kentucky Statutes, Carroll's 1915 Edition, relating to requisitions for fugitives from justice.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 1934, Kentucky Statutes, Carroll's 1915 Edition, be amended by adding to said section the following:

“After the delivery of the prisoner, the agent named in the commission shall present his claim for mileage and expenses, as allowed above or in the commission and expenses, verified under oath, to the fiscal court of the county wherein the warrant, indictment or charge against the prisoner is pending, and it shall be the duty of said court to issue a voucher for the payment of same to the named agent;” so that said section as thus amended be and the same is now re-enacted, and shall read as follows:

Section 1934. Requisition on Governors of other States—Compensation of agent. In all cases where the Governor of this Commonwealth shall make a requisition upon the Governor of any other State or Territory for a fugitive from justice, the person named in such requisition as the agent of this Commonwealth shall, unless a different condition is contained in the commission of the agent, be allowed to receive as compensation for his services at the rate of six cents per mile for the distance he may travel to and from the jail of the county designated in the proclamation to the place where said fugitive may be arrested—the distance to be computed by the route most usually traveled, and such other fees and necessary expenses as he may have to expend in reclaiming and transporting such fugitive. Upon the return of the fugitive to the county in which is located the jail mentioned in the proclamation, the person having him in charge shall go before a magistrate, who shall issue a mittimus to the jailer to receive the prisoner and keep him until he is discharged. After the delivery of the prisoner, the agent named in the commission shall present his claim for mileage, as allowed above or in the commission, and expenses, verified under oath, to the fiscal court of the county wherein the warrant, indictment or charge against the prisoner is pending, and it shall be the duty of said court to issue a voucher for the payment of same to the named agent.

§ 2. All laws, acts, or parts of laws or acts in conflict herewith are hereby repealed.

Mr. Bennett moved that said bill lie on the table.

Said motion was agreed to.

And so said bill was rejected.

A message was received from the Senate announcing that they had passed bills which originated in this House entitled:

H. B. 433. An Act relating to public safety; providing for certain devices to be used in the operation of motion picture machines, and a penalty for the violation of the law.

H. B. 238. An Act to amend an Act of the General Assembly approved March 1920, and known as chapter 17 of the bound volume of the Acts of 1920, which Act among other things establishes and designates a primary system of State Highways and provides for their construction and maintenance.

H. B. 330. An Act establishing a road to lead from Harrison in Lewis County via mouth of Laurel Creek via Rooney Carter county, via Willard in Laurel county to Webbville in Lawrence county as a State primary road and designating same as Project No. 43a.

H. B. 424. An Act making the city of Springfield, Kentucky, a center of construction in the primary system of State Highways laid out and designated in an Act of the General Assembly of the Commonwealth of Kentucky in 1920.

H. B. 381. An Act to amend and re-enact subsec. b of Section 1 of chapter 90 of the Acts of the General Assembly

of 1920 entitled: "An Act relating to vehicles; regulating their use and operation upon the public highways of this Commonwealth; providing for the registration and licensing of motor vehicles; fixing the amount of the license, and manner of payment thereof; etc.

H. B. 76. An Act to amend Sec. 4023, Act 1, Chapter 108, Kentucky Statutes, vol. 3, Carroll's Edition, 1918, relating to General Reserve laws by adding the language hereinafter set out.

H. B. 83. An Act relating to the recording of discharge papers of soldiers, sailors, marines and all persons discharged from the army, navy or aerial forces of the United States; making such papers recordable instruments; providing place of recordation and purposes for which copies may be used; and making valid such as have heretofore been recorded.

H. B. 319. An Act to repeal subsec. 10 of Sec. 1893c, Kentucky Statutes, 1918 Edition, and re-enact the same.

H. B. 88. An Act adopting as the law of the Commonwealth of Kentucky the edition of the Kentucky Statutes, and edited by John D. Carroll and issued in the year 1915, and the supplement thereto compiled and edited by the Baldwin Law Book Company, etc.

H. B. 463. An Act relating to stock running at large and prosecutions thereunder.

H. B. 384. An Act to amend and re-enact Sec. 1199, Kentucky Statutes, Carroll's Edition of 1915, providing punishment for recovering stolen goods.

Ordered that said bills be delivered to the Enrolling Clerk of this House.

Mr. Dorsey of the Committee on Enrollment reported that they had examined and found correctly enrolled, resolutions and bills of the following titles, viz.:

H. B. 367. An Act appropriating money for the operation and maintenance of the various departments, boards, commissions, institutions and agencies of the State Government, except for the legislative and judicial departments and except for the common schools, for the fiscal year ending June 30th, 1924; designating the funds and sources from which said appropriations are to be paid, and prescribing the manner in which same are to be paid.

H. B. 300. An Act adding project No. 51½ to Primary System of State Highways.

H. B. 182. An Act to amend section 5 of Chapter 17 of the Acts of the General Assembly of Kentucky, 1920, relating to roads and bridges by making additions to project No. 6.

H. B. 135. An Act establishing and making the road leading from Independence via Whites Tower, Staffordsburg, Kenton Station, Grants Lick and Clayvillage to Alexandris, a part of the primary system of State Highways of the Commonwealth of Kentucky and designating said road as project No. —.

H. B. 365. An Act relating to public roads and highways.

H. B. 325. An Act to amend and re-enact section 110 of the code of practice in criminal cases relating to the presence of persons before the Grand Jury.

H. B. 295. An Act providing for the Perryville Battle Field and providing for the appointment of five Commissioners by the government to look after and control the Perry-

ville battlegrounds, being the property of the State of Kentucky, making an annual appropriation therefor.

H. B. 385. An Act to amend section 3382 of Carroll's Edition, Kentucky Statutes, 1915, by changing the time of appointment of Board of Tax Supervisors for cities of the third class.

H. B. 134. An Act making it unlawful for any person, firm or corporation employing others in this Commonwealth to adopt or establish or use any daylight saving or other standard of time with reference to such employment other than the standard and central time of the United States and providing a penalty therefor.

H. B. 412. An Act creating an Efficiency Commission with power and authority to make a survey of, and inquire into and report concerning all departments, commissions and boards, arms and branches thereof of the State Government, etc., etc.

H. B. 339. An Act relating to revenue and taxation, etc., etc.

H. B. 20. An Act fixing the place for holding the examinations for mine foremen, fire bosses and assistant mine inspector.

H. B. 405. An Act relating to roads and bridges, amending chapter 17 of the General Assembly of Kentucky of the acts of 1920, etc., etc.

H. B. 254. An Act to amend section 1840 of the Acts of the General Assembly, Kentucky Statutes, Carroll's Edition, 1915, relating to jurisdiction and powers generally of fiscal courts.

H. B. 140. An Act to amend Chapter 17 of the Acts of the General Assembly of 1920 as approved by the Governor March 16th, 1920, relating to roads and bridges creating the Department of State Roads, Highways, etc., etc.

H. Res. 25. Resolution for the benefit for Wm. D. Overton.

Thereupon all other business was suspended, said bills were read at length and compared in open session and thereupon the Speaker in open session and in the presence of the House affixed his signature thereto.

Ordered that the Enrolling Clerk deliver said bills and resolution to the Senate.

After a time the Enrolling Clerk delivered the original and enrolled copy of said bills into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said bills to the Governor.

After a time the Clerk reported that he had discharged that duty.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 274. An Act to amend an Act entitled: "An Act to amend and re-enact sections 3449, 3450, 3451, 3452, 3453, 3454, 3455, 3456, 3457, 3458, 3459 of the Kentucky Statutes, relating to the control and improvement of public streets, alleys, sidewalks, roads, lanes, avenues, highways and thoroughfares in cities of the third class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 7 of an Act entitled: "An Act to amend and re-enact sections three thousand four hundred and forty-nine, three thousand four hundred and fifty, three thousand four hundred and fifty-one, three thousand four hundred and fifty-two, three thousand four hundred and fifty-three, three thousand four hundred and fifty-four, three thousand four hundred and fifty-five, three thousand four hundred and fifty-six, three thousand four hundred and fifty-seven, three thousand four hundred and fifty-eight, three thousand four hundred and fifty-nine of the Kentucky Statutes relating to the control and improvement of public streets, alleys, sidewalks, roads, lanes, avenues, highways, and thoroughfares in cities of the third class."

same being section 3458, Kentucky Statutes, Carroll's Edition 1915, be and the same is hereby amended so that same when amended shall read as follows, to-wit:

7. The Common Council, or the Board of Commissioners in cities which have adopted or may adopt the commission form of Government, may provide that any improvement of the streets, alleys, public ways or sidewalks (including curbing and guttering and the construction of sewers), shall be made on the ten-year payment plan; and, thereupon, when any such improvement shall have been completed and accepted and the cost thereof apportioned to, and a tax therefor levied on, the property liable for the payment thereof as provided in the preceding section, the city treasurer shall give notice by one publication in a newspaper of general circulation published in such city, requiring all persons to pay the local taxes levied upon their property within thirty days from the publication of the ordinance accepting the work and assessing the cost thereof. Such local taxes may, at the option of the property owners, be payable in cash, without interest, within

thirty days, or in ten annual installments, as herein provided. Any property owner who desires to exercise such privilege of payment by installments, shall, before the expiration of the said thirty days, enter into an agreement in writing with the city that in consideration of such privilege he will make no objections to any illegality or irregularity with regard to the taxes against his property, and that he will pay the same in the manner herein provided with specified interest. Any property owner entering into such an agreement, or who exercises the option to pay in installments, shall be concluded thereby and shall not be permitted to set up any defense whatever against the payment of such taxes. Such agreement shall be filed in the office of the city auditor, who shall file, retain and record the same as a record of his office. In all cases where such agreements have not been filed within the time limited, the entire tax shall be payable in cash without interest before the expiration of said thirty days. Any such tax not paid within said thirty days shall bear interest at the rate of six per cent. per annum, from the date of the publication of the ordinance assessing and levying the same. If any property subject to such local tax be owned by any infant or person of unsound mind, or by a life tenant, the agreement herein provided for may be executed by the statutory guardian of such infant, or committee or curator of such insane person, with the same effect as if executed by a person free from disability, or by the life tenant. In cases where the option to pay in installments is exercised, the local tax, with interest at the rate of six per cent. per annum, shall be payable as follows: One-tenth of the tax, with interest on the entire tax, at the time fixed by law for the payment of general city taxes occurring next after the expiration of the thirty days allotted for the payment in cash; and annually thereafter, one-tenth of the entire tax until the whole is paid. At the end of each six months from the time the first installment of the tax becomes due, interest shall be due and payable for such six months on

all unpaid installments of the tax. Provided: That any person may, at any interest paying period after the fifth annual installment of his tax becomes due, pay the entire assessment of tax against his property with accrued interest. All installments of such special assessments and interest shall be placed upon the tax duplicate with other taxes of persons liable for such special assessments, and the tax bills for such special assessments may, in addition to the other remedies given in this act, be sold and collection thereof enforced in the manner provided by law for collection of municipal taxes. In default of payment of any installment of taxes or interest for one month after the same becomes due, a penalty of six per cent. of the installment in arrears shall be added thereto, which shall constitute a like lien as the tax, and all unpaid installments of the tax shall, at the option of the city or any bond holder whose bonds or interest thereon are in default of payment, forthwith become due and payable. It shall be the duty of the treasurer upon order of the Common Council, or the Board of Commissioners in cities which have adopted or may adopt the commission form of government, to promptly apply all money paid in on such installments to the payment of the bonds and coupons which may be issued as provided in the next section in anticipation of the collection of such local taxes. If the fund accumulated from the collection of assessments, interest, and penalties for any particular improvement be more than sufficient to pay the principal and interest of the bond issued in anticipation of such collection, the Common Council, or said Board of Commissioners, shall make a ratable reduction from the last installment of each person's assessment. Should there be any deficit, the Common Council, or said Board of Commissioners, may provide for payment of same out of the general fund. Failure on the part of the city to collect any such local tax, or installment thereof, when due, shall create no liability against such city, but the person entitled to such tax, or the owner of any such bonds, shall have

the right to proceed in any court of competent jurisdiction to foreclose the lien for such unpaid assessments recovering interest and costs, and may have the proceeds of the property applied in settlement thereof. Any railway company liable for any improvement tax shall be entitled to the privilege of paying such tax on the installment plan, subject to all the provisions herein provided with reference to the exercise of such privilege by other property owners. The Common Council, or said Board of Commissioners, may provide that any improvement contemplated in this act may be paid for in annual installments in any number of years, not exceeding ten, in which event the ordinance ordering the improvement shall specify the number of years in which the improvement shall be paid for, and all proceedings with reference thereto shall be the same as herein provided for payment on the ten-year installment plan, except that the necessary change shall be made to conform the payments to the number years specified by the ordinance, and corresponding charges shall be made in any bonds that may be issued with reference to such improvements as provided in the next section.

That section 8 of said Act, same being section 3459, Kentucky Statutes, Carroll's Edition, 1915, be amended so that same when so amended shall read as follows, to-wit:

8. In order to provide a fund for the immediate payment of the cost of any improvement made on the installment plan, as provided in section three thousand four hundred and fifty-eight, the Common Council, or the Board of Commissioners in cities which have adopted or may adopt the commission form of government, may issue and sell improvement bonds in anticipation of the collection of such part of the local taxes assessed and levied therefor as may not be paid within thirty days from the time of the assessment, pledging such ~~taxes~~ and the liens on the property for the payment of the principal and interest of such bonds, and apply the proceeds thereof exclusively to the payment for the particular improve-

ment in anticipation of the assessments for which the bonds are issued. Such bonds shall bear the date of the publication of the assessing ordinance and shall be made payable to bearer. The bonds for each separate improvement shall be numbered consecutively throughout and shall be divided into ten series as nearly equal as possible, the first series including the lowest numbers, and so on. The bonds with interest shall be payable at the city treasurer's office, as follows: The first series, with accrued interest on all series, shall be due and payable one month after the date on which the first installment of the tax becomes due as provided in the preceding section and the remaining series shall be due and payable one each year annually thereafter for nine years. Interest on all unpaid bonds shall be due and payable semi-annually at the end of each six months from the time the first interest becomes due. The bonds shall be of the denomination of one hundred dollars, or its multiple, (provided that any odd amount over one hundred dollars, or its multiple) may be included in the last bond to mature. No bond shall be issued for less than one hundred dollars unless the total amount for which the bonds are issued for any particular improvement is less than one thousand dollars. All improvement bonds shall have the name of the street, alley, or other public way, or part thereof, or sewer district, for the improvement of which they are issued, printed, engraved, or written thereon, and shall state the character of the improvement. They shall bear interest at a rate not exceeding six per cent. per annum from the date of the assessment of the tax, and shall have suitable coupons attached thereto evidencing the semi-annual interest. The bonds or coupons shall be signed by the mayor and countersigned by the treasurer, but the coupons may be signed by lithograph. The clerk shall attest the signatures to the bonds under seal of the city. It shall not be necessary, in such bonds, to recite the steps taken in ordering the improvement or in making the assessment, but it shall be sufficient to make

a general reference to such proceedings and to this statute. Such bonds shall be negotiable as inland bills of exchange, and shall be free from all defense by any property owner. Such bonds shall be exempt from all taxation, and shall not be sold for any less than par and accrued interest: Provided, if no offer is made for said bonds equal to pay and accrued interest, after reasonable advertisement, the city shall have the right to turn them over to the contractor in full payment of the contract price of the improvement for which they are issued. Any premium realized from the sale of such bonds, and any penalty collected on delinquent installments of taxes, as in the preceding section provided, shall go into the fund for the payment of such bonds and interest thereon. Said bonds and interest thereon shall be payable exclusively out of funds actually paid to and collected by the city on account of the improvement taxes in anticipation of which the bonds are issued and, except as provided in this section, the city shall in no event be liable on any such bond except to the extent of funds actually paid to it as above set out. And any and all such bonds shall be subject to payment and redemption at any interest payment period thereof that does not occur within five years from the date thereof. Provided that the city treasurer shall give the owner of the bond proposed to be redeemed at least twenty days' notice by registered letter. It shall be the duty of the owner of any bond, subject to redemption, as herein provided, to notify the city auditor of his post office address and any changes therein, and the auditor will keep a record of the address opposite the number of the bond on his records. The notice herein provided for shall be directed to such address, and if no address is given, the notice shall be directed to such owner at his last known address, and the bond specified therein shall bear no interest after the date fixed for its redemption, and this provision shall be shown in substance on the bonds. Mailing such registered letter twenty days before the time fixed for such redemption shall be deemed

a compliance herewith. After the issue of such bonds no suit shall lie to enjoin or resist the collection of any assessment or tax in anticipation of which the bonds are issued, and the validity of the same shall not be questioned, but all property owners shall be conclusively estopped and precluded from in any manner assailing the effectiveness or validity thereof. Such bonds shall convey and transfer to the owners thereof all liens, right, title, and interest in and to the assessments, taxes and liens upon the respective lots and parcels of ground, including any railway property liable for said tax as hereinbefore provided for, which liens shall stand as security for such bonds and coupons until they are paid, with full power to enforce the collection thereof, if any such bonds or coupons be not paid on presentation to the treasurer, by foreclosure in any court of competent jurisdiction, as provided in section three thousand four hundred and fifty-seven. If any lots or lands be sold for the payment of any special tax or assessment thereon, or any installment thereof, or for any general municipal tax, such lots and lands shall not thereby be released from any other special tax or assessment, or installment thereof, existing thereon, unless the same be asserted in the action in which such lands or lots are sold. In any foreclosure suit brought by the city or any bond holder, as provided herein, it shall not be necessary to make the other bond holders parties, but the proceeds of the suit shall be paid into the city treasury, to be applied to the redemption of the matured bonds, in the same manner as if the same had been paid without suit. When any such city has been authorized to incur any indebtedness for such purpose at an election by the voters thereof held pursuant to law, either before or after the improvement in question is made, the Common Council, or the said Board of Commissioners in cities which have adopted or may adopt the commission form of government, may, to the extent of such authorization, issue and sell bonds of the city in anticipation of the collection of the local taxes

levied and assessed for any such improvement, as provided in this act, pledging the faith and credit of the city in addition to the assessments, taxes and liens herein provided for, for the payment of the principal and interest of such bonds. Such bonds shall constitute an indebtedness of the city, for the payment of which with interest the city shall be liable in its corporate capacity. Such bonds shall be issued and sold in all respects as provided by law with reference to the issue and sale of the bonds by the city, and the Common Council, or said Board of Commissioners, shall provide for the collection of an annual tax sufficient to pay the interest on such bonds and to create a sinking fund for the payment of the principal thereof within the period of time, not exceeding ten years, provided by the ordinance for the payment of the local taxes, in anticipation of which such bonds are issued, provided that in any year in which the collection from such local taxes are sufficient to pay the interest on such bonds and to provide the necessary sinking fund, it shall not be necessary for the city in such year to collect any tax for that purpose; and in any year it shall be necessary for the city to collect only such an amount of general taxes as will be sufficient, when added to the local taxes collected for such improvement, to meet the requirements of this act. Upon payment by the city of any such bond, the city shall become the owner thereof, and be subrogated to all rights of the bond holders with reference thereto. Thereafter, all collections of the local taxes, in anticipation of which such bonds are issued, shall belong to the city.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said

bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

R. M. Amos	Arch L. Hamilton	S. R. Powell
C. W. Bennett	David J. Howard	R. I. Rice
J. E. Bickett	R. O. Huntsman	Lee L. Simons
W. M. Boling	J. T. Jennings	George W. Smith
J. F. Bosworth	Ira Jones	Ira D. Smith
Berl Boyd	Wright Kelly	R. F. Stewart
E. B. Cross	S. B. Lane	H. V. Thompson
Bryce Cundiff	H. R. Lawrence	Geo. F. Thompson
J. C. Day	Martin Light	H. Q. Thompson
O. A. Denton	Rufus Lisle	S. G. Thornberry
G. Givens Dixon	Claude D. Minor	Garnett W. Tolin
A. W. Dorsey	R. C. Moore	N. I. Toombs
W. D. Duncan	S. H. Moore	Chas. B. Truesdell
George W. Ellis	B. A. Muster	Oscar Vest
Mrs. M. E. Flannery	W. T. McGuire	W. T. Walker
Emery L. Frazier	R. D. McMurtry	W. D. Watkins
W. L. Gossett	Geo. W. Newman	W. G. Wheeler
Bryant Green	D. A. O'Donovan	T. C. Willis
Ed. A. Gullion	Brodie Payne	
J. Edgar Hadden	H. Walter Pierce	

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Resolved that the title thereof be as aforesaid.

Mr. Minor moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 41. An Act to amend Sec. 3668 of Kentucky Statutes, Carroll's Edition, 1918, relating to land for municipal purposes in cities of the sixth class, in order that said section

may provide also for condemnation of land for cemetery purposes, etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1st. That Section 3668 of Kentucky Statutes, Carroll's Edition 1915, be and the same is hereby amended by inserting after the word "purpose," in the second line of said section, the following: "including the purpose of establishing a cemetery to be owned and managed by the city, or to extend or enlarge a cemetery so owned and managed, to provide more room for interment therein," so that said section, when so amended, shall read as follows:

"Whenever property is needed for municipal purposes, including the purpose of establishing a cemetery to be owned and managed by the city or town, or to extend or enlarge a cemetery so owned and managed, to provide more room for interment therein, and an ordinance is enacted so declaring, the proper authorities of the city or town may, if compensation therefor can not be agreed upon, proceed to condemn the same in the manner provided for the condemnation of land for railroad purposes, but such land so condemned for cemetery purpose shall not in any one proceeding exceed five acres."

2nd. That Subsection 9 of Section 3704 of Kentucky Statutes, Carroll's Edition of 1915, be and the same is hereby amended by striking therefrom the last sentence thereof, as follows: "A receipt from the treasurer of the town shall be evidence of title;" and by adding at the end of said section the following: "The board of trustees may have a plat made of any such cemetery or addition thereto, which shall show correctly the size and location of the blocks into which the same may be divided and of the lots which such blocks con-

tain, the several blocks of which shall be indicated on such plat by letters, and the lots by number. Such plat shall be acknowledged by the mayor or chairman of the board of trustees of such town, and the seal thereof affixed, attested by the clerk, and shall be lodged in the office of the clerk of the county court of the county in which such city or town is situated, and be made a permanent record. The deed given as evidence of title to a lot in such cemetery shall describe such lot by reference to the block in which the same is located and by giving the number of the lot therein, and shall be acknowledged by the mayor or chairman of the board of trustees of the town, attested by the clerk," so that said section, when amended as aforesaid, shall read as follows:

"When the town owns a cemetery, it shall be under the control and management of the board of trustees; they shall fix the price at which lots shall be sold, and make deeds thereto. The board of trustees may have a plat made of any such cemetery or addition thereto, which shall show correctly the size and location of the blocks into which the same may be divided and of the lots which such blocks contain, the several blocks of which shall be indicated on such plat by letters and the lots by number. Such plat shall be acknowledged by the mayor or chairman of the board of trustees of such town, with the seal thereof affixed, attested by the clerk and shall be lodged in the office of clerk of the county court of the county in which such city or town is situated, and be made a permanent record. The deed given as evidence of title to a lot in such cemetery shall describe such lot by reference to the block in which it is located and by giving the number of the lot therein, and shall be acknowledged by the mayor or chairman of the board of trustees of the town, attested by the clerk."

3rd. All laws and parts of laws in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

R. M. Amos	J. Edgar Hadden	R. D. McMurtry
B. C. Beckmann	Arch L. Hamilton	E. E. Nelson
C. W. Bennett	Oscar P. Harvey	C. C. Oney
J. E. Bickett	H. C. Hawkins	Brodie Payne
W. M. Boling	David J. Howard	H. Walter Pierce
Berl Boyd	J. T. Jennings	Arch M. Quarles
Sam A. Cary	Lester Jeter	R. I. Rice
Chas. Chandler	Ira Jones	Lee L. Simons
E. B. Cross	Wright Kelly	George W. Smith
O. A. Denton	S. B. Lane	Ira D. Smith
G. Givens Dixon	Leon P. Lewis	R. F. Stewart
W. D. Duncan	Martin Light	H. V. Thompson
George W. Ellis	Rufus Lisle	Geo. F. Thompson
Mrs. M. E. Flannery	Harry J. Meyers	S. G. Thornberry
Emery L. Frazier	Claude D. Minor	Chas. B. Truesdell
Dr. H. M. Fultz	S. H. Moore	W. T. Walker
W. L. Gossett	B. A. Muster	W. G. Wheeler
Bryant Green	C. D. McCaw	T. C. Willis
Ed. A. Gullion	W. T. McGuire	

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There voted in the negative—

Bryce Cundiff

—1

Resolved that the title thereof be as aforesaid.

Mr. Minor moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 193. An Act to promote the production of better eggs to prevent fraud and misrepresentation in dealing in eggs, to prevent the sale of eggs unfit for human purposes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. No person, firm or corporation engaged in the buying and selling of eggs shall sell, offer or expose for sale, or traffic in, any eggs unfit for human food, unless the same is broken in shell and denatured so that it cannot be used for human food. For the purpose of this Act, an egg shall be deemed unfit for human food if it be addled or moldy, has a black rot, a white rot, or a blood ring, or if it has an adherent yolk or a bloody or green white; or if it be incubated beyond the blood ring stage; or if it be composed in whole or in part of a filthy, decomposed or putrid substance.

§ 2. That between May 15 of each year and January 15 of the following year no person, firm or corporation engaged in the buying and selling of eggs, shall buy or sell eggs without candling them, and no payment either in cash or merchandise shall be made for those unfit for food. No person, firm or corporation shall, in buying or selling eggs, take or give a greater or less dockage for eggs unfit for food as defined in section one of this Act than the actual dockage which has been determined by the careful candling of the eggs so purchased or sold.

§ 3. The term "candling" as used herein shall be construed to mean the careful examination of the whole egg; in a partially dark room or place suitable for the purpose. The

apparatus and method employed, to be such as shall be approved by the Kentucky Agricultural Experiment Station.

§ 4. Any person, firm or corporation failing to comply with the requirements of or violating any of the provisions of this Act, shall be guilty of a misdemeanor and upon conviction be fined not less than \$10.00 nor more than \$50.00.

§ 5. That all acts or laws and parts of acts or laws in conflict with the provisions of this Act be and are hereby repealed.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

R. M. Amos	David J. Howard	C. C. Oney
B. C. Beckmann	R. O. Huntsman	James Park
C. W. Bennett	Lester Jeter	H. Walter Pierce
J. E. Bickett	S. B. Lane	S. R. Powell
W. M. Boling	H. R. Lawrence	R. I. Rice
J. F. Bosworth	Leon P. Lewis	Lee L. Simons
Berl Boyd	Martin Light	Ira D. Smith
John E. Brown	Rufus Lisle	R. F. Stewart
W. R. Button	Harry J. Meyers	Frank L. Strange
Lee Clark	Harry B. Miller	H. V. Thompson
G. Givens Dixon	Claude D. Minor	Garnett W. Tolin
W. D. Duncan	R. C. Moore	N. I. Toombs
George W. Ellis	S. H. Moore	Chas. B. Truesdell
Emery L. Frazier	Ed. P. Murrah	Fred C. Vanhooose
Bryant Green	B. A. Muster	Oscar Vest
Ed. A. Gullion	C. D. McCaw	Geo. C. Waggoner
J. Edgar Hadden	W. T. McGuire	W. T. Walker
Arch L. Hamilton	R. D. McMurtry	W. S. Wallen
H. C. Hawkins	D. A. O'Donovan	

Those who voted in the negative were—

Thos. Bowman	Wright Kelly	D. D. Thornberry
O. A. Denton	J. L. Richardson	John M. Tinsley
Thos. O. Holder	Reuben E. Skaggs	W. G. Wheeler
N. T. Hopkins	Geo. F. Thompson	
J. T. Jennings	S. G. Thornberry	—13

Resolved that the title thereof be as aforesaid.

Mr. Minor moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 240. An Act to change the name of the Eastern Kentucky Normal School and the name of the Western Kentucky State Normal School.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the name of the Eastern Kentucky State Normal School be and the same is hereby changed from "Eastern Kentucky State Normal School" to Eastern Kentucky State Normal School and Teachers' College.

§ 2. That the name of the Western Kentucky State Normal School be and the same is hereby changed from "Western Kentucky State Normal School" to Western Kentucky State Normal School and Teachers College.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

R. M. Amos	David J. Howard	H. Walter Pierce
B. C. Beckmann	R. O. Huntsman	R. I. Rice
C. W. Bennett	J. T. Jennings	David I. Scott
J. E. Bickett	Lester Jeter	Lee L. Simons
W. M. Boling	S. B. Lane	Reuben E. Skaggs
Thos. Bowman	H. R. Lawrence	Ira D. Smith
Berl Boyd	Leon P. Lewis	R. F. Stewart
John E. Brown	Martin Light	Frank L. Strange
Lee Clark	Rufus Lisle	H. V. Thompson
Bryce Cundiff	C. C. May	Geo. F. Thompson
O. A. Denton	Harry J. Meyers	H. Q. Thompson
G. Givens Dixon	Harry B. Miller	S. G. Thornberry
W. D. Duncan	Claude D. Minor	D. D. Thornberry
George W. Ellis	S. H. Moore	John M. Tinsley
Bryant Green	Ed. P. Murrah	N. I. Toombs
Ed. A. Gullion	B. A. Muster	Chas. B. Truesdell
J. Edgar Hadden	W. T. McGuire	Geo. C. Waggoner
Arch L. Hamilton	R. D. McMurtry	W. T. Walker
Oscar P. Harvey	E. E. Nelson	W. S. Wallen
H. C. Hawkins	D. A. O'Donovan	W. G. Wheeler
Thos. O. Holder	C. C. Oney	T. C. Willis
N. T. Hopkins	James Park	

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There voted in the negative—

Arthur Saunders

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Resolved that the title thereof be as aforesaid.

Mr. Minor moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 34. An Act to regulate the issue and redemption of script or other evidence of debt in order to prohibit the graft from workmen's wages for advancement before pay day.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That any individual, firm, partnership or organization employing labor who may hereafter issue any script, due bill or other evidence of debt, in any form, for labor shall redeem same in cash or legal tender at face value from any person who presents same for redemption at least once in each month or upon pay-days when payment for labor is made twice monthly.

Any person, firm, partnership, corporation or other organization who shall violate any of the provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be fined not less than one hundred (\$100.00) dollars nor more than five hundred (\$500.00) dollars for each offense.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill

in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

R. M. Amos	H. C. Hawkins	E. E. Nelson
B. C. Beckmann	Thos. O. Holder	Geo. W. Newman
C. W. Bennett	N. T. Hopkins	D. A. O'Donovan
J. E. Bickett	David J. Howard	C. C. Oney
W. M. Boling	R. O. Huntsman	James Park
J. F. Bosworth	J. T. Jennings	H. Walter Pierce
Thos. Bowman	Lester Jeter	S. R. Powell
W. R. Button	Ira Jones	J. L. Richardson
Sam A. Cary	Wright Kelly	Arthur Saunders
Lee Clark	S. B. Lane	Reuben E. Skaggs
E. B. Cross	H. R. Lawrence	George W. Smith
J. C. Day	Leon P. Lewis	R. F. Stewart
O. A. Denton	Martin Light	Frank L. Strange
G. Givens Dixon	Rufus Lisle	Geo. F. Thompson
W. D. Duncan	C. C. May	H. Q. Thompson
George W. Ellis	Harry J. Meyers	S. G. Thornberry
Mrs. M. E. Flannery	Harry B. Miller	D. D. Thornberry
Dr. H. M. Fultz	Claude D. Minor	Garnett W. Tolin
W. L. Gossett	S. H. Moore	Chas. B. Truesdell
Bryant Green	Ed. P. Murrah	Oscar Vest
Ed. A. Gullion	B. A. Muster	W. T. Walker
Arch L. Hamilton	W. T. McGuire	J. B. Wicker
Oscar P. Harvey	R. D. McMurtry	

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Those who voted in the negative were—

Emery L. Frazier	John M. Tinsley	W. S. Wallen
Ira D. Smith		

—4

Resolved that the title thereof be as aforesaid.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 285. An Act relating to roads and bridges, and amending Chapter 17 of the Acts of the General Assembly of the Commonwealth of Kentucky, 1920, by adding thereto, as Project No. —, extending from Newcastle, Henry county, via Sulphur to Bedford, Trimble County, Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Chapter 17 of the Acts of the General Assembly of the Commonwealth of Kentucky, 1920, be amended by adding to, and inserting just after the last named Project No. —, on page 92 thereof, the following:

“Project No. —, from Newcastle, Henry County, via Sulphur to Bedford, Trimble County, Kentucky.”

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

R. M. Amos	J. E. Bickett	Thos. Bowman
B. C. Beckmann	W. M. Boling	John E. Brown
C. W. Bennett	J. F. Bosworth	Sam A. Cary

Chas. Chandler	H. R. Lawrence	David I. Scott
Bryce Cundiff	Leon P. Lewis	Lee L. Simons
G. Givens Dixon	Martin Light	George W. Smith
G. Lucien Drury	Rufus Lisle	Ira D. Smith
H. C. Duffy	C. C. May	R. F. Stewart
W. D. Duncan	Harry J. Meyers	H. V. Thompson
George W. Ellis	Claude D. Minor	S. G. Thornberry
Mrs. M. E. Flannery	R. C. Moore	D. D. Thornberry
Dr. H. M. Fultz	S. H. Moore	John M. Tinsley
W. L. Gossett	B. A. Muster	Garnett W. Tolin
Bryant Green	C. D. McCaw	N. I. Toombs
Ed. A. Gullion	W. T. McGuire	Chas. B. Truesdell
Arch L. Hamilton	R. D. McMurtry	Geo. C. Waggoner
Oscar P. Harvey	Chas. A. Nelson	W. T. Walker
H. C. Hawkins	D. A. O'Donovan	W. S. Wallen
Thos. O. Holder	C. C. Oney	W. D. Watkins
N. T. Hopkins	James Park	W. G. Wheeler
David J. Howard	Brodie Payne	J. B. Wicker
Lester Jeter	H. Walter Pierce	T. C. Willis
Ira Jones	R. I. Rice	
S. B. Lane	Arthur Saunders	

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Resolved that the title thereof be as aforesaid.

Mr. Minor moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 269. An Act establishing a road to run from Garfield, Breckinridge County, Kentucky, via Custer and Dyer to Cecelia, Hardin County, Kentucky, as a State Primary road, and designating said project as Project No. —.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established as a part of the primary system of State Highways of the Commonwealth of Kentucky a road to lead from Garfield, in Breckenridge County, Kentucky, via Custer and Dyer to Cecelia, in Hardin County, Kentucky. The construction, maintenance, supervision and control of said road shall be subject to all the terms and conditions set out and provided for in Chapter 17, of the Acts of the General Assembly of 1920, establishing and creating a primary system of State Highways.

§ 2. Said project shall be designated and known as Project No. —.

. Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Samuel W. Adams	W. D. Duncan	Ira Jones
B. C. Beckmann	George W. Ellis	S. B. Lane
C. W. Bennett	Mrs. M. E. Flannery	H. R. Lawrence
J. E. Bickett	Dr. H. M. Fultz	Leon P. Lewis
W. M. Boling	W. L. Gossett	Harry J. Meyers
J. F. Bosworth	Bryant Green	Claude D. Minor
John E. Brown	H. C. Hawkins	S. H. Moore
Bryce Cundiff	N. T. Hopkins	B. A. Muster
H. C. Duffy	David J. Howard	C. C. Oney

Brodie Payne	R. F. Stewart	John L. Trumbo
H. Walter Pierce	Frank L. Strange	Geo. C. Waggoner
Arch M. Quarles	H. V. Thompson	W. T. Walker
R. I. Rice	S. G. Thornberry	W. S. Wallen
Arthur Saunders	D. D. Thornberry	W. G. Wheeler
David I. Scott	Garnett W. Tolin	T. C. Willis
George W. Smith	N. I. Toombs	
Ira D. Smith	Chas. B. Truesdell	

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Resolved that the title thereof be as aforesaid.

Mr. Minor moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 165. An Act to establish project 61 in the primary system of State Highways.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. From the intersection of the Carlisle and Sharpsburg turnpike road with the Maysville and Lexington turnpike road (Project No. 20) to Owensville by way of Carlisle, Moorfield and Sharpsburg, same to be designated as Project 61, of the Primary System of Highways set out in Chapter 17 of the Acts of 1920.

§ 2. All laws or parts of laws in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	Bryant Green	David I. Scott
R. M. Amos	J. Edgar Hadden	Lee L. Simons
B. C. Beckmann	H. C. Hawkins	Ira D. Smith
C. W. Bennett	N. T. Hopkins	R. F. Stewart
J. E. Bickett	David J. Howard	Frank L. Strange
W. M. Boling	Ira Jones	H. V. Thompson
J. F. Bosworth	S. B. Lane	Geo. F. Thompson
Thos. Bowman	Leon P. Lewis	S. G. Thornberry
Sam A. Cary	Martin Light	D. D. Thornberry
E. B. Cross	Rufus Lisle	Garnett W. Tolm
Bryce Cundiff	Harry J. Meyers	N. I. Toombs
J. C. Day	S. H. Moore	Geo. C. Waggoner
G. Givens Dixon	E. E. Nelson	W. T. Walker
G. Lucien Drury	C. C. Oney	W. S. Wallen
H. C. Duffy	James Park	W. D. Watkins
W. D. Duncan	H. Walter Pierce	W. G. Wheeler
George W. Ellis	S. R. Powell	T. C. Willis
Mrs. M. E. Flannery	R. I. Rice	
W. L. Gossett	Arthur Saunders	

—55

Resolved that the title thereof be as aforesaid.

Mr. Minor moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House

took up for consideration from the Orders of the Day a bill entitled:

S. B. 277. An Act to amend Sec. 5, Project No. 32 of Chapter 17 of the Acts of the General Assembly 1920, by adding to and extending said project.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 5, Project 32, of Chapter 17 of the Acts of the General Assembly of 1920, be amended by adding to and extending said project to Nicholasville, via Georgetown, Soard's Store, Midway, Versailles, Fort Garrett, Pinckard and Keene, so that said project 32 will read as follows, to-wit:

Project 32, from Nicholasville to Versailles to Midway to Georgetown to Paris to West Liberty, via Keene, Pinckard, Fort Garrett, Versailles, Midway, Soard's Store, Mt. Sterling and Frenchburg.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

R. M. Amos	W. M. Boling	W. D. Duncan
B. C. Beckmann	Sam A. Carv	George W. Ellis
C. W. Bennett	Bryce Cundiff	Mrs. M. E. Flannery
J. E. Bickett	G. Lucien Drury	H. C. Hawkins

Thos. O. Holder	B. A. Muster	R. F. Stewart
N. T. Hopkins	E. E. Nelson	Frank L. Strange
David J. Howard	D. A. O'Donovan	H. V. Thompson
Lester Jeter	James Park	S. G. Thornberry
Ira Jones	Brodie Payne	D. D. Thornberry
H. R. Lawrence	H. Walter Pierce	John M. Tinsley
Leon P. Lewis	Arch M. Quarles	Garnett W. Tolin
Martin Light	R. I. Rice	N. I. Toombs
Rufus Lisle	Arthur Saunders	Chas. B. Truesdell
Harry J. Meyers	David I. Scott	W. T. Walker
Claude D. Minor	Lee L. Simons	W. S. Wallen
R. C. Moore	George W. Smith	J. B. Wicker
S. H. Moore	Ira D. Smith	T. C. Willis

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Resolved that the title thereof be as aforesaid.

Mr. Minor moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 143. An Act relating to Roads and Bridges and amending Chapter 17 of the Acts of the General Assembly of the Commonwealth of Kentucky, 1920, by adding thereto as Project No. — extending from Greenville, Muhlenburg County, to Morgantown, Butler County, Kentucky, via Drakesboro, Browder, Innis, Rochester, South Hill, Dunbar to Morgantown.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. That Chapter 17 of the Acts of the General Assembly of Kentucky of 1920 be amended by adding to and inserting

just after the last named Project No. — from Greenville, via Drakesboro, Browder, Innis, Rochester, South Hill, Dunbar to Morgantown, Butler County, Kentucky, and Project No. —, extending from Calhoun via Livermore, Hefflin and Hartford to Rosine.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Samuel W. Adams	Ira Jones	Arthur Saunders
R. M. Amos	S. B. Lane	Lee L. Simons
B. C. Beckmann	H. R. Lawrence	George W. Smith
C. W. Bennett	Leon P. Lewis	Ira D. Smith
J. E. Bickett	Martin Light	R. F. Stewart
W. M. Boling	Rufus Lisle	Frank L. Strange
Thos. Bowman	Harry J. Meyers	H. V. Thompson
Berl Boyd	S. H. Moore	Geo. F. Thompson
Sam A. Cary	B. A. Muster	H. Q. Thompson
Bryce Cundiff	R. D. McMurtry	S. G. Thornberry
H. C. Duffy	C. C. Oney	John M. Tinsley
George W. Ellis	James Park	Garnett W. Tolin
J. Edgar Hadden	Brodie Payne	N. I. Toombs
H. C. Hawkins	H. Walter Pierce	Geo. C. Waggoner
N. T. Hopkins	S. R. Powell	W. T. Walker
David J. Howard	Arch M. Quarles	W. S. Wallen
Lester Jeter	R. I. Rice	T. C. Willis

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Resolved that the title thereof be as aforesaid.

Mr. Minor moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 67. An Act to amend and re-enact as amended Sec. 31 of an Act entitled: "An Act defining boundaries for school districts embracing cities of the fourth class, and providing systems of schools in such districts, and creating boards of education and etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 31 of an Act entitled, "An Act defining boundaries for school districts, embracing cities of the fourth class, and providing systems of schools in such districts, and creating boards of education for such districts, providing for election thereof, defining their powers and duties, and repealing all laws in conflict therewith," be amended and re-enacted so that, as amended and re-enacted, same shall read as follows:

Sec. 31. Whenever it becomes desirable for a city of the fourth class to extend the boundary for school purposes beyond the city limits, the qualified voters in such territory shall prepare a petition in duplicate, setting forth the names of all parties to be changed, and defining the proposed change in the boundary of the said school district. Said petition shall be signed by a majority of the voters in said territory, and a copy shall be filed with the board of education of such city, and also with the county board of education of the county in which said city is located. Upon the approval of said petition by the board of education of such city and by the county board of education of such county, each board shall make an order on

its record books providing for the change, and the change shall become effective at once.

Whenever it becomes desirable for a city of the fourth class to exclude from the boundary for school purposes any territory beyond the city limits, or to reduce the boundary for school purposes any territory beyond the city limits or to reduce the boundary for school purposes so as to make the same co-extensive with the boundary of the city, the qualified voters in such territory to be excluded shall prepare a petition in duplicate setting forth the names of all the parties to be changed and defining the proposed change in the boundary of the said school district. Said petition shall be signed by a majority of the voters in said territory and a copy shall be filed with the board of education of such city and also with the county board of education of the county in which said city is located. Upon the approval of said petition by the board of education of such city and by the county board of education of such county, each board shall make an order on its record books providing for the change and the change shall become effective at once.

The rate of taxation by the general council or board of commissioners and by the fiscal court in such school district shall be the same in all cases.

§ 2. All laws and part of laws inconsistent herewith are hereby repealed.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill

in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

R. M. Amos	Ira Jones	George W. Smith
B. C. Beckmann	H. R. Lawrence	Ira D. Smith
C. W. Bennett	Leon P. Lewis	Frank L. Strange
J. E. Bickett	Martin Light	H. V. Thompson
W. M. Boling	Rufus Lisle	Geo. F. Thompson
J. F. Bosworth	Harry J. Meyers	D. D. Thornberry
Thos. Bowman	Claude D. Minor	John M. Tinsley
Sam A. Cary	R. C. Moore	Garnett W. Tolin
Bryce Cundiff	Ed. P. Murrah	N. I. Toombs
George W. Ellis	B. A. Muster	Chas. B. Truesdell
Mrs. M. E. Flannery	E. E. Nelson	Fred C. Vanhooose
Bryant Green	C. C. Oney	Geo. C. Waggoner
Ed. A. Gullion	Brodie Payne	W. T. Walker
J. Edgar Hadden	H. Walter Pierce	W. S. Wallen
H. C. Hawkins	Arch M. Quarles	W. D. Watkins
N. T. Hopkins	R. I. Rice	W. G. Wheeler
David J. Howard	David I. Scott	J. B. Wicker
R. O. Huntsman	Lee L. Simons	T. C. Willis

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There voted in the negative—

W. L. Gossett

—1

Resolved that the title thereof be as aforesaid.

Mr. Minor moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 30. An Act amending an Act entitled: An Act to

amend and re-enact Sections 3140 and 3138, Kentucky Statutes, Carroll's 1915 Edition, being a part of the charter of cities of the second class, to create and perpetuate a pension fund for police and firemen and etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act entitled "An Act to amend and re-enact Sections 3140 and 3138, Kentucky Statutes, Carroll's 1915 Edition, being a part of the charter of cities of the second class, for the better government administration and disposition and discipline of the police and fire department and to create and perpetuate a pension fund for disabled police and firemen, their widows and children and dependent fathers and mothers, and to create and perpetuate a board of trustees for the management and conduct thereof, and to pension members thereof after service of a term of years." Approved March 19, 1920, and being Chapter 28 of the Acts of 1920, be and the same is hereby amended as follows:

There shall be organized in connection with said police and fire departments a board to be known as the board of trustees of the police and firemen's pension fund, which shall be composed of the mayor of the city, city treasurer, chief of the fire department, chief of the police department, and one member of the police or fire department and said board shall select from their number a president and secretary. When this amendment becomes operative the members of the fire department shall select one of their number to act as member of said board for one year, and at the expiration of said year such member shall be succeeded by a member of the police department elected in like manner by the members of said department. Said position shall thus be held alternately each year by one member of said respective departments. The city

treasurer shall be ex-officio treasurer of said board and custodian of its funds.

Also by amending Section 11, Subsection 5 of said act, by striking out of said section in the third line thereof, the word "consecutively," so that said section when thus amended shall read as follows:

Any member of the police or fire department of such cities having served twenty years or more in such police or fire department, may make application to be relieved from such police or fire department, and if his application is granted, the said board of trustees shall order and direct that such persons be paid monthly pension equal to one-half of the amount of the salary said person is or was in receipt of as a member of said department at the time of granting application.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Samuel W. Adams	Chas. Chandler	Arch L. Hamilton
R. M. Amos	E. B. Cross	H. C. Hawkins
B. C. Beckmann	G. Givens Dixon	R. O. Huntsman
C. W. Bennett	H. C. Duffy	Lester Jeter
J. E. Bickett	W. D. Duncan	H. R. Lawrence
W. M. Boling	George W. Ellis	Leon P. Lewis
J. F. Bosworth	Mrs. M. E. Flannery	Rufus Lisle
Thos. Bowman	Emery L. Frazier	Harry J. Meyers
Berl Boyd	Bryant Green	Claude D. Minor
Sam A. Cary	J. Edgar Hadden	B. A. Muster

E. E. Nelson	Ira D. Smith	Oscar Vest
D. A. O'Donovan	R. F. Stewart	W. T. Walker
C. C. Oney	Frank L. Strange	W. S. Wallen
Brodie Payne	H. V. Thompson	W. D. Watkins
H. Walter Pierce	Geo. F. Thompson	W. G. Wheeler
R. I. Rice	John M. Tinsley	J. B. Wicker
David I. Scott	Garnett W. Tolin	T. C. Willis
Lee L. Simons	N. I. Toombs	
George W. Smith	Chas. B. Truesdell	

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Those who voted in the negative were—

Arch L. Hamilton Harry B. Miller —2

Resolved that the title thereof be as aforesaid.

Mr. Minor moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 213. An Act to require all educational institutions receiving aid from the Commonwealth to make an annual report of receipts and expenditures to the State Department of Education.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. It shall be the duty of all educational institutions and County Superintendents receiving aid from the State of Kentucky to make a report to the State Department of

Education as the close of each Scholastic year, showing in detail all funds received from the State of Kentucky, and from all other sources, during such year, and detailed statement of all expenditures for the year.

§ 2. All laws or parts of laws in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Samuel W. Adams	Arch L. Hamilton	Arch M. Quarles
B. C. Beckmann	H. C. Hawkins	Arthur Saunders
C. W. Bennett	Thos. O. Holder	David I. Scott
J. E. Bickett	N. T. Hopkins	Lee L. Simons
W. M. Boling	David J. Howard	Ira D. Smith
J. F. Bosworth	Ira Jones	R. F. Stewart
Thos. Bowman	S. B. Lane	Frank L. Strange
John E. Brown	H. R. Lawrence	Geo. F. Thompson
Sam A. Cary	Leon P. Lewis	S. G. Thornberry
Chas. Chandler	Martin Light	D. D. Thornberry
O. A. Denton	Rufus Lisle	John M. Tinsley
G. Givens Dixon	C. C. May	N. I. Toombs
A. W. Dorsey	Harry J. Meyers	Chas. B. Truesdell
G. Lucien Drury	Claude D. Minor	Fred C. Vanhoose
W. D. Duncan	S. H. Moore	Geo. C. Waggoner
George W. Ellis	B. A. Muster	W. T. Walker
Mrs. M. E. Flannery	C. D. McCaw	W. S. Wallen
Dr. H. M. Fultz	W. T. McGuire	W. G. Wheeler
W. L. Gossett	R. D. McMurtry	J. B. Wicker
Bryant Green	C. C. Oney	T. C. Willis
Ed. A. Gullion	H. Walter Pierce	

Resolved that the title thereof be as aforesaid.

Mr. Minor moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 76. An Act defining and regulating the business of dry cleaning and dyeing, and providing for the construction, maintenance, and inspection by the State Fire Marshal of dry cleaning and dyeing buildings and establishments, and providing ways and means for enforcing this Act, and penalties for the violation thereof.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That for the purpose of this Act a dry cleaning and dyeing business is defined to be the business of cleaning, sponging or dyeing cloth, clothing, feathers or any sort of fabrics or textiles by the use of carbon bisulphide, gasoline, naphtha, benzine, benzol, or other light petroleum or coal-tar products or inflammable liquid, or cleaning, sponging, or dyeing by processes known as dry-cleaning and dyeing where inflammable volatile substances are used. Sponging shall be the removal of dirt, greases, etc., by local application of inflammable liquid. Any person, firm or corporation carrying on the business of sponging as above defined, solely or in connection with, or as a part of any other business, shall be deemed a dry cleaner, and, as such, subject to the provisions of this Act.

§ 2. That no person, firm or corporation shall advertise as dry cleaners and dyers, or either, as defined in Section 1 thereof, until such person, firm or corporation shall have made application to the State Fire Marshal for permission to engage in such business and paid the fees as hereinafter provided.

§ 3. That no room or structure shall be used for the business of dry cleaning and dyeing, as above defined, or for the storage of inflammable or volatile substances for use in such business, until an application for permission to do so shall have been filed with and approved by the State Fire Marshal of the State of Kentucky.

§ 4. That upon the filing of every such application, the applicant shall pay to the State Fire Marshal a filing and inspection fee of Twenty-five (\$25.00) Dollars.

§ 5. That when any application is filed with the State Fire Marshal, and the fee paid as above mentioned, the State Fire Marshal, his deputies or assistants, shall make an inspection of such room or structure; and if the same conforms to the requirements of law and rules which may be prescribed by the State Fire Marshal, for such places, then the State Fire Marshal shall issue a permit to the applicant for the conduct of such business, which permit shall extend until the first day of January next after the date of the issuing of same.

§ 6. That the permits may be renewed at any time within thirty days after the termination thereof by the filing of an application for such renewal and the payment of a fee of five dollars therefor; provided the applicant for such renewal permit has complied with the provisions of this Act, and with the laws of the State of Kentucky.

§ 7. That all permits must be exhibited for inspection to the State Fire Marshal, or any of his deputies or assistants, whenever requested and no one except the person, the firm or corporation to whom the same are issued shall have the right to operate a business or establishment under any permit.

§ 8. That permits may be refused, suspended or revoked

by the State Fire Marshal for fraud in procuring the same, or for a violation of any law of the State of Kentucky.

§ 9. That no building used for dry cleaning purposes shall be located within 10 feet of any other building, unless separated therefrom by an unpieced fire wall. All rooms or structures used or to be used for the purpose of the business of dry cleaning or dyeing, as above defined, shall be of fire-resistive design and construction, and not exceed one story in height, and shall be without basement, cellar or open space below the ground floor. No dry cleaning building shall be used for any occupancy other than dry cleaning, dyeing and re-claiming gasoline.

§ 10. That all walls of such dry cleaning and dyeing rooms or structures shall be of brick laid in cement-mortar, or of reinforced concrete, not less than twelve inches in thickness, or of stone laid in cement mortar, not less than sixteen inches in thickness or of other non-combustible material constructed of a thickness, of not less than twelve inches. The roof of such building shall be of fire-resistive construction, no combustible material shall be permitted in the construction of dry rooms or racks.

§ 11. That there shall be no direct sewer connection with such dry cleaning and dyeing rooms or structures, and the floor of the same shall be of concrete construction, laid not lower than the surface of the earth surrounding the wall.

§ 12. That a vent opening of at least twenty square inches area shall be provided at the floor level in each wash room and drying room, near each machine and opposite to any door or other air inlet. Such openings shall be covered with 2x2 mesh, No. 16, galvanized wire web, and shall be kept clear of all obstructions. From the vent opening a flue of at least twenty square inches area and of non-combustible materials, built into the wall or floor or securely fastened thereto and free from mechanical injury, shall conduct to and through a sparkless exhaust fan, to be run continuously, and which

every three minutes. All discharge outlets of vent pipes shall be provided with a 12x12 mesh or equivalent wire screen and located without hazard to surrounding property and acceptable to the State Fire Marshal. Other ventilating systems may be substituted for the above which shall completely change the air every five minutes in the room while the plant is in operation, provided same are approved before constructed by the State Fire Marshal.

Skylights and windows must be of wired glass in metal frames, and provided with fusible link connecting to an automatically closing device, and shall be covered with 12x12 mesh or equivalent brass wire screen to prevent spark fire entrance. Necessary precautions shall be taken to prevent the clogging or in any way the stopping of air passage through such wire screens.

§ 13. That, as a means of fire extinguishment in any such room or structures, the same shall be equipped with steam pipes located near the ceiling. In these pipes there shall be not less than two openings, all of which shall point toward the ceiling. The steam supply for such pipes shall be continually available for service while the plant is in operation, and shall be sufficient to completely fill the room space in less than one minute. An outside screw and yoke valve shall be placed in the steam service line or lines outside of the building and to be accessible for operation in case of fire. Where feasible, such fire protection system shall be extended and connected to extractors, washers and tumblers, so that the fire extinguishing agent may be admitted to the interior of such machines. An approved system using a fire deterrent chemical or gas may be installed in lieu of a steam extinguishing system.

§ 14. That all steam or hot water pipes must be protected by wire screens or otherwise so as to prevent contact of pipes and inflammable goods. All windows, doors, or other openings in the dry-cleaning building or drying rooms shall

be protected with wired glass in metal frames or fire-proof shutters, doors, or covers. Intercommunicating openings shall be provided with standard self-closing fire doors kept closed except when passing through. No direct opening between dry cleaning and dry rooms shall be permitted. All doors, windows, shutters, screens and grills shall be arranged for ready opening from either side in case of emergency when in operation.

§ 15. That one approved hand chemical extinguisher, especially efficient for such conditions shall be provided for each 200 square feet of floor space.

§ 16. That all dry cleaning, washing, extracting and re-distilling shall be carried on in closed machines, which shall be fluid tight. In wash rooms only the necessary appliances for washing, extracting and re-distilling shall be permitted, but this shall not be construed as prohibiting the use within wash room of drying tumblers of other than the blower type. Tumblers of the suction type shall be equipped with means for the admission of steam within the cylinders. Washers and extractors shall have hinged doors, and shall have attached to cover fusible links so that in case of an explosion the door will automatically close; such machines shall also be provided with means for the relieving of any undue pressure that may be generated within machine when cover is closed. The transfer of all liquids shall be through continuous piping; pipe connections or threaded joints shall be made up with litharge and glycerine, and all outlets or drain lines shall be drained by gravity to settling or shortage tanks. Construction shall be such that there will be no exposed liquid issuing from clarifier or distill, but this shall not be construed as prohibiting properly guarded glass in sight feed for clarifiers. Glass gauges shall be protected against mechanical injury by means of suitable guards, and shall be equipped with valves arranged to close automatically in case of breakage of glass. No dry-cleaning liquid shall be settled in any open or unprotected

vessels or tanks. All piping and all metallic parts of each machine shall be properly grounded by at least No. 10 copper insulated wire to a water pipe or other grounded device; belting, if used shall be grounded by means of collector rings, installed on shafting. Scrubbing and brushing may be performed in the dry-cleaning room, but not more than one gallon of volatile fluid shall be used in any one container, and shall be so used in a metallic pan or container: and such volatile substance shall be returnable to the settling or storage tanks as soon as the brushing or cleaning operation is completed. All goods removed from washer to extractor shall be kept in tight metal pans when used with under side of bottom covered with wood, and no goods or washed stocks shall be taken from the wash room until washing liquid has been removed by the extractor. All dried goods shall be removed from extractor at the close of operation.

§ 17. That at the close of the day's operations all liquid contained in washers, extractors, stills or otherwise shall be returned to the underground tanks. The location of all tanks, buried or otherwise, and their contents and hazards, shall be plainly marked by signs as approved by the State Fire Marshal. The cleaning of floors with inflammable liquid or liquids is hereby prohibited.

§ 18. That no steam boiler, furnace nor steam generator, or heating device, exposed fire nor other spark emitting device shall be allowed in any washing, drying or distilling room, or in line with vapor travel therefrom.

§ 19. That all artificial lighting shall be by incandescent electric lights. All electrical wiring and equipment, including motors, shall be in accordance with the National Electrical Code.

§ 20. That the heating of such buildings shall be secured only by the use of steam or hot water systems.

§ 21. That drying rooms, if under the same roof as the dry cleaning and dyeing room, must be separated from such

rooms by a "fire-resistive wall." The entrance of such drying room or rooms shall be provided with standard self-closing fire doors. Means for the ventilation of such drying room shall conform to the conditions provided in relation to dry-cleaning and dyeing rooms and the provisions for fire extinguishment must be complied with. If the drying room be a separate building, it must conform in all respects of construction and equipment to the conditions named relative to dry-cleaning and dyeing rooms as above described.

§ 22. That all volatile substances received for use in the business of dry cleaning and dyeing, as above defined, shall be stored in steel tanks, the steel of which may not be less than three-sixteenths of an inch thick, up to 4,000 gallon capacity; one-fourth, 4,000 gallon capacity up to 10,500 gallon capacity; the exterior of such tank to be coated with an approved rust preventative; tanks when riveted shall be 60 per cent of the strength of the sheets, and all joints shall be caulked or welded in an approved manner.

§ 23. That all storage tanks shall be buried underground to such a depth as to secure a covering of earth of at least three feet above the top of the tank at the surface level of the ground.

§ 24. That all such tanks shall be provided with a vent pipe not less than one inch in diameter, extending from the top of the tank to the outer air, and discharging at a point not less than two feet above the roof of said dry-cleaning and dyeing room, and also be provided at the discharge and with an inverted "U" cap or gooseneck, opening of which shall be screened, which shall be constructed of corrosive resistible metal.

§ 26. That all such tanks must be provided with a filling pipe of not less than one inch in diameter, extending from the top of the tank to within one inch of the bottom of the tank. Such filling pipe must be laid with inclination toward the tank to secure proper drainage. In intake end of said filling

pipe shall be fitted with a controlling feed cock or valve, which shall be kept closed except while in use, and the intake end of the pipe above such cock or valve shall be provided with a screw cap secured in place by an iron or other metal chain, such screw cap to be securely screwed on the feed-pipe inlet when the same is not in use. Both the controlling cock or valve and the feed pipe inlet must be inclosed in an iron box or hood set level or above the surface of the ground and be kept securely locked when not in use. Such feed-pipe inlet and controlling cock valve shall in no case be located inside of any building.

§ 27. That all pipes connected to the said storage tanks in said dry cleaning and dyeing business must enter or be attached to same at their tops. Service pipes carrying volatile substances from the storage tanks to the dry cleaning and dyeing machines or apparatus shall extend from the top of the tank shall, and the controlling cock or valve in said service pipes shall be kept closed when not in use.

§ 28. That no volatile substance shall be carried or converted into the dry-cleaning and dyeing room building or any of its machines or apparatus, or be returned to the storage tanks from such devices, except through service pipes as above described. The movement or transmission of such volatiles through such service pipes shall be secured by pumps or syphons only, such devices to be so located as to insure the return of all volatile substances remaining in the service pipes when delivery is shut off to the storage tanks by gravity.

§ 29. That no carbon bisulphide, gasoline, naphtha, benzine, benzol or light petroleum or coal-tar product used in the dry-cleaning and dyeing business shall be instilled or re-distilled in connection with the said dry-cleaning or dyeing business shall be instilled or re-distilled in connection with the said dry-cleaning or dyeing business, except in a room of fire-resistive construction.

§ 30. That the provisions of this Act shall not be held

to apply to any building, business or establishments now in use, so as to cause the same to be rebuilt, remodeled or repaired so as to conform to the provisions thereof; but should any dry cleaning or dyeing room or part thereof be re-constructed, rebuilt or repaired, the same shall as to such work, be so constructed, built or repaired in conformity with the provisions hereof. Nothing in this act shall be held to in any manner limit the laws which provide against fire hazards in this State. Nothing in this section shall permit a person to operate a business or establishment defined in this Act without first securing a license as provided herein for so doing, but the provisions of this section shall be given full consideration by the State Fire Marshal in issuing licenses to persons now engaged in said business.

§ 31. That should any building, business, or establishment of dry cleaning or dyeing as herein defined be discontinued or not carried on in any building which does not conform to the provisions herein set forth for a period of three consecutive months, such business shall be considered as having been abandoned; and before the same can again be carried on in such building, the said building must be constructed, repaired or rebuilt as to conform to the provisions of this Act.

§ 32. That all buildings, structures, pipes, storage tanks, electrical wiring, connections and apparatus constructed and used in said dry-cleaning and dyeing business shall be inspected and approved by the State Fire Marshal or a deputy or assistant before being used in said dry-cleaning and dyeing business.

§ 33. That any person or persons being the owner, occupant, lessee, or agent, who shall violate any of the provisions of this Act or fail to comply therewith, or who shall violate or fail to comply with any order or regulation made thereunder within ten days, or who shall build in violation of any detailed statement of specifications or plans submitted and

approved thereunder, shall severally for each and every such violation and non-compliance respectively, be guilty of a misdemeanor, and, upon conviction thereof, shall be fined for the first offense not less than ten dollars nor more than two hundred dollars, and for the second offense shall be fined not less than \$50.00 nor more than \$500.00 and imprisoned in a county jail or workhouse not to exceed six months.

§ 34. That it shall be the duty of the State Fire Marshal, his deputies and assistants, to enforce the provisions of this Act, and to that end shall have authority hereunder to invoke and receive the aid and services of the local State Prosecuting Attorney in any County in which a violation of this Act is found to exist.

§ 35. That all fees, penalties or forfeitures collected by the State Fire Marshal, his deputies or assistants, under the provisions of this Act, shall when paid into the State Treasury be credited with special fund for maintenance of the office of the State Fire Marshal and shall be disbursed in the same manner as other moneys which come into said fund are disbursed.

§ 36. That the following requirements and safety regulations be followed in the construction and maintenance of the aforesaid dry-cleaning or dyeing business as defined in Section 1 of this Act:

(a) An asbestos blanket shall be provided in each cleaning and dry room.

(b) All exhaust fans shall be provided with means of remote control, whereby they may be shut down in any emergency.

(c) Every dry-cleaning room shall be provided with at least two exits remote from each other.

§ 37. The provisions of this Act shall only apply to cities of the first and second class.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Samuel W. Adams	Emery L. Frazier	C. C. Oney
C. W. Bennett	Bryant Green	David I. Scott
J. E. Bickett	Ed. A. Gullion	Lee L. Simons
J. F. Bosworth	H. C. Hawkins	R. F. Stewart
Thos. Bowman	Thos. O. Holder	Frank L. Strange
John E. Brown	N. T. Hopkins	H. V. Thompson
W. R. Button	R. O. Huntsman	Geo. F. Thompson
Sam A. Cary	Leon P. Lewis	D. D. Thornberry
Chas. Chandler	Rufus Lisle	Garnett W. Tolin
G. Givens Dixon	Harry J. Meyers	John L. Trumbo
A. W. Dorsey	Claude D. Minor	W. T. Walker
G. Lucien Drury	C. D. McCaw	W. D. Watkins
George W. Ellis	Geo. W. Newman	W. G. Wheeler
Mrs. M. E. Flannery	D. A. O'Donovan	

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Those who voted in the negative were—

W. M. Boling	Martin Light	S. R. Powell
Berl Boyd	R. C. Moore	R. I. Rice
E. B. Cross	S. H. Moore	Reuben E. Skaggs
J. C. Day	B. A. Muster	S. G. Thornberry
O. A. Denton	R. D. McMurtry	John M. Tinsley
J. Edgar Hadden	Brodie Payne	N. I. Toombs
H. R. Lawrence	H. Walter Pierce	Fred C. Vanhooose

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Resolved that the title thereof be as aforesaid.

Mr. Minor moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 171. An Act amending and re-enacting sec. 3014, Kentucky Statutes, being sec. 228 of the Act approved July 1, 1893, entitled: "An Act for the government of cities of the first class" and vesting in the general council, in such cities, authority to provide, by ordinance, for the suspension, revocation, and non-reissuance of any licenses issued under ordinance authority of such cities.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 3014, Kentucky Statutes (being Section 228 of the Act approved July 1, 1893, entitled "An Act for the government of cities of the first class"), be amended by adding at the close thereof the words and sentences hereinafter shown, beginning with the words "There is hereby vested in the police court;" and that, as thus amended, said section be now re-enacted so as to read as follows, to-wit:

"Section 3014. No license shall be issued for a longer period than one year, but may be for a shorter period, if allowed by ordinance. No license shall authorize the conducting of business at more than one place at the same time, but the place at which the business is to be done under the license may, with the consent of the secretary and treasurer of the sinking fund, be changed. The agent or agents of non-resident proprietors shall be civilly responsible for the license tax, and criminally responsible for carrying on business in like manner as if they were proprietors. There is hereby vested in the police court of such cities the power and authority to suspend, revoke, or to forbid, or to provide the conditions of the re-issuance, of any license issued by, or under, the au-

thority of such city to any motor vehicle driver or chauffeur, or to the owner of any motor vehicle, or to the owner, proprietor or operator of any soft drink establishment—in any case where the licensee has been convicted in such court for the violation of any provision of municipal law in force in such city; and, also, in any other case where such court may determine, after notice to such licensee, and a hearing of the matter, that such licensee has improperly conducted, or permitted or suffered to be improperly conducted, the business, calling, or privilege authorized or covered by any such license; and in any case where a suspension, revocation, or order forbidding or fixing the conditions for the re-issuance, of any such license is so made, no refund for the unexpired period of such license shall be made. Any such action concerning any such suspension, revocation, or re-issuance of any such license, shall be independent of, and shall not affect, or be affected by, any conviction of any such license, or other person, for the violation of any provision of law in force in such city.”

§ 2. If any section, paragraph, or separable provision of this act should be adjudged invalid, such action shall not affect the remaining sections, paragraphs, or provisions hereof.

§ 3. All acts, and parts of acts, inconsistent, or in conflict, herewith, are hereby repealed.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

B. C. Beckmann
C. W. Bennett

J. E. Bickett
W. M. Boling

O. A. Denton
G. Givens Dixon

George W. Ellis	Harry J. Meyers	Frank L. Strange
Emery L. Frazier	R. C. Moore	H. V. Thompson
Bryant Green	S. H. Moore	Geo. F. Thompson
Ed. A. Gullion	C. D. McCaw	S. G. Thornberry
H. C. Hawkins	W. T. McGuire	D. D. Thornberry
Thos. O. Holder	Geo. W. Newman	John M. Tinsley
David J. Howard	D. A. O'Donovan	Garnett W. Tolin
Lester Jeter	C. C. Oney	Chas. B. Truesdell
Ira Jones	Brodie Payne	John L. Trumbo
S. B. Lane	H. Walter Pierce	W. T. Walker
H. R. Lawrence	R. I. Rice	W. D. Watkins
Leon P. Lewis	Lee L. Simons	W. G. Wheeler
Martin Light	Ira D. Smith	J. B. Wicker
C. C. May	R. F. Stewart	—47

Those who voted in the negative were—

Berl Boyd	Ed. P. Murrah	N. I. Toombs
Bryce Cundiff		—4

Resolved that the title thereof be as aforesaid.

Mr. Minor moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Dorsey of the Committee on Enrollments reported that they had examined and had found correctly enrolled bills of the following titles, viz.:

S. B. 102. An Act limiting the load hauled over any turnpike, gravel or hard surface road in the Commonwealth.

S. B. 67. An Act to amend and re-enact as amended section 31 of an Act entitled, "An Act defining boundaries for school districts embracing cities of the fourth class, etc."

S. B. 139. An Act to provide for the election of sub-district, trustees and defining their duties.

S. B. 7. An Act relating to unlawful carnal knowledge of children under the age of 18 years including both sexes and describing penalties for violation thereof and amending and re-enacting section 1155, Kentucky Statutes, Carroll's 1915 Edition.

S. B. 43. An Act to amend an Act entitled, An Act relating to the offices of Police Judge of cities of the second class in this Commonwealth.

S. B. 69. An Act amending 4646 of Kentucky Statutes relating to stock running at large.

S. B. 126. An Act to amend an Act entitled, An Act for the government of cities of the first class, approved July 1, 1893, so as to enlarge the powers of the cities of the first class and to provide for the elimination of grade crossing, etc., etc.

S. B. 279. An Act to amend sub-section 2 of section 2380 of Kentucky Statutes relating to drainage and prevention of overflow of lands, towns, cities, roads, streets, railroads and the establishment and organization and maintenance of drainage districts, etc., etc.

S. B. 30. An Act amending an Act entitled, An Act to amend and re-enact sections 3140 and 3148, Kentucky Statutes, Carroll's 1915 Edition, being a part of the charter of cities of the second class to create and perpetuate a pension fund for police and fireman, etc.

S. B. 269. An Act establishing a road to run from Garfield, Breckinridge County, Kentucky, via Custer to Dyer to Cecelia, Hardin County, Kentucky, as a State Primary Road and designating said project as project No. —.

S. B. 41. An Act to amend section 3668 of Kentucky Statutes, Carroll's Edition, 1915, relating to condemnation of lands for municipal purposes in cities of the sixth class, etc.

S. B. 285. An Act relating to roads and bridges and amending Chapter 17 of the Acts of the General Assembly of the Commonwealth of Kentucky, 1920, by adding thereto as project No. —, extending from New Castle, Henry County, via Sulphur to Bedford, Trimble County, Kentucky.

S. B. 88. An Act to amend section 1159, Kentucky Statutes, Carroll's 1915 Edition, relating to burglary and robbery.

S. B. 143. An Act relating to roads and bridges and amending Chapter 17, Acts of the General Assembly of the Commonwealth of Kentucky, 1920, by adding thereto as project No. —, extending from Greenville, Muhlenberg County, to Morgantown, Butler County, via Drakesboro, Browder, Innis, Rochester, South Hill, Dunbar to Morgantown.

S. B. 277. An Act to amend section 5, Project 32 of Chapter 17 of the Acts of the General Assembly, 1920, by adding to and extending said project.

S. B. 193. An Act to promote the production of better eggs in Kentucky, etc.

S. B. 178. An Act to protect the title of motor vehicles and trailers within this State, etc.

S. B. 284. An Act relating to roads and bridges and amending Chapter 17, Acts of the General Assembly, 1920, by adding thereto as project No. —, extending from Florence to Burlington.

S. B. 89. An Act to amend and re-enact section 1160, Kentucky Statutes, relating to assault with intent to rob.

S. B. 240. An Act to change the name of the Eastern Kentucky Normal School and the name of the Western Kentucky Normal School.

S. B. 171. An Act amending and re-enacting section 3014, Kentucky Statutes, being section 228 of the Act approved July 1, 1893, entitled, An Act of the government of the cities of the first class, etc.

S. B. 128. An Act to repeal sections 4507, 4717, and all intervening sections of Kentucky Statutes relating to county teachers, etc.

S. B. 181. An Act authorizing cities of the first and second classes creating a city planning commission, etc.

S. B. 184. An Act to amend and re-enact section 2072 of the Kentucky Statutes, Carroll's Edition, 1915, Chapter 64, Article 1, and concerning the control of adoptions, etc.

S. B. 213. An Act to require all educational institutions receiving aid from the Commonwealth to make an annual report of receipts and expenditures to the State Department of Education.

S. B. 72. An Act to enable counties containing therein cities of the first class and such cities jointly to acquire, construct, furnish, equip and maintain tuberculosis hospitals.

S. B. 57. An Act repealing section 807, Kentucky Statutes, Carroll's 1915 Edition, and re-enacting the same.

S. B. 200. An Act to repeal sections 1, 2 and 3 of Chapter 36 of the Acts of the General Assembly of 1920 relating to the election and qualification of members of county boards of education, etc.

S. B. 112. An Act to continue the Kentucky Council for Defense for the soul purpose of completing the work of gathering, arranging and preserving the history of Kentucky's part of the World War, etc.

S. B. 180. An Act to amend and re-enact sections 8 and 7 of Chapter 34 of the session Acts of the General Assembly, 1920, said Act being entitled, An Act creating the Kentucky Geological Survey, etc.

S. B. 61. An Act to amend and re-enact section 74 of the Civil Code relating to counties in which an action must or may be brought.

S. B. 223. An Act to amend sub-section 7 of section 1019a of the Act approved February 27, 1920, the same being Chapter 2 of the Acts of the General Assembly of the Commonwealth of Kentucky at its 1920 session entitled, "An Act to amend sub-section 7 of section 1019a of the Act approved March 29, 1902, entitled, An Act to provide for stenographic reporters for courts of continuous session.

S. B. 237. An Act to promote the solvency of State Banks, etc.

S. B. 118. An Act to amend and re-enact sub-section 1 of section 4636c, Kentucky Statutes, Carroll's 1918 Edition, relating to the appointment and qualification of members of Boards of Trustees of the University of Kentucky.

S. B. 165. An Act to establish Project 61 in the Primary System of State Highways.

S. B. 191. An Act to provide for the construction and maintenance, in cities of the first class of memorials in honor of the soldiers and sailors furnished by such cities and the

counties wherein situated, to the United States Army and Navy during the recent World War, etc.

S. B. 76. An Act defining and regulating the business of dry cleaning and dyeing and providing for the construction, maintenance and inspection by the State Fire Marshal of dry cleaning and dyeing buildings and establishments, etc.

Ordered that said bills be delivered to the Enrolling Clerk of the Senate.

Mr. Dorsey of the Committee on Enrollment reported that they had examined and found correctly enrolled bills of the following titles, viz.:

H. B. 297. An Act repealing Sec. 165a, Kentucky Statutes, and re-enacting the same relating to banks.

H. B. 433. An Act relating to public safety providing for certain devices to be used in the operation of motion picture machines and a penalty for violation of the law.

H. B. 64. An Act relating to the parole of prisoners.

H. B. 296. An Act relating to banks and repealing subsec. 9 of Sec. 165a of Kentucky Statutes, and re-enacting the same.

H. B. 464. An Act to repeal the charter of Pittsburgh, a town of the sixth class located in Laurel County, Kentucky.

H. B. 435. An Act to repeal and re-enact sec. 4239a, Chapter 108, Kentucky Statutes, enacted March 19, 1912, relating to the duties of Clerks, Sheriffs, etc.

H. B. 287. An Act to permit an Co-operative Marketing Associations organized in any State other than Kentucky under substantially the same restrictions and limitations established by the Bingham Co-operative Marketing Act, to use the word "co-operative" as part of its corporate or other name or title for producers' co-operative marketing activities and declaring said organization not to be conspiracy nor an illegal monopoly.

H. B. 196. An Act to regulate brokerage business.

H. B. 245. An Act to amend and re-enact sec. 4364 of the Kentucky Statutes, Carroll's Edition, 1918, relating to a common school, etc.

H. B. 91. An Act to amend and re-enact Sec. 3146 of Kentucky Statutes, Carroll's Edition, 1915, relating to police judges in cities of the second class.

H. B. 390. An Act to provide for the suppression of contagious diseases among bees, to create the office of State Inspector of Apiaries and to appropriate money therefor.

H. B. 70. An Act to amend Chapter 17 of the Acts of 1920 approved March, 1920, entitled "An Act relating to roads and bridges; creating the Department of State Roads and Highways, providing for officers to administer it and prescribing the powers and duties of such officers; fixing the salary of the State Highway Engineer and prescribing the amount, etc.

H. B. 387. An Act to amend and ré-enact Chapter 93 of the Acts of the General Assembly of the Commonwealth of Kentucky of 1920, entitled "An Act relating to revenue and taxation, requiring an excise or license tax to be paid on all gasoline sold at retail in this State, etc.

H. B. 54. An Act to amend and re-enact sec. 4042a-8, Article 2, chapter 108 of an Act entitled: "An Act to abolish the Assessor's office and to provide in lieu thereof a county Tax Commission."

H. B. 74. An Act to repeal and re-enact Sec. 1072 of Carroll's 1915 Edition of the Kentucky Statutes, relating to the salary of county judges.

H. B. 180. An Act to amend an Act of the General Assembly of 1920 in chapter so entitled "An Act to amend and re-enact sec. 3783 of the Kentucky Statutes, Carroll's 1915 Edition, relating to the patrols.

H. B. 418. An Act relating to cities of the sixth class.

H. B. 465. An Act to repeal the charter of East Bernstadt, a town of the sixth class, located in Laurel County.

Thereupon all other business was suspended, said bills were read at length and compared in open session and thereupon the Speaker in open session and in the presence of the House affixed his signature thereto.

Ordered that the Enrolling Clerk deliver said bills to the Senate.

After a time the Enrolling Clerk delivered the original and enrolled copy of said bills into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver same to Governor.

After a time the Clerk reported that he had discharged that duty.

At the instance of the Committee on Rules the House

took up for consideration from the Orders of the Day a bill entitled:

S. B. 284. An Act relating to roads and bridges, etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Chapter 17 of the Acts of the General Assembly of Kentucky of 1920 be amended by adding to, and inserting No. — on Page 92 thereof, the following:

“Project No. —, from Florence to Burlington.”

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Samuel W. Adams	Mrs. M. E. Flannery	D. A. O'Donovan
R. M. Amos	H. C. Hawkins	Brodie Payne
B. C. Beckmann	N. T. Hopkins	H. Walter Pierce
C. W. Bennett	David J. Howard	Arch M. Quarles
J. E. Bickett	Lester Jeter	R. I. Rice
W. M. Boling	H. R. Lawrence	Arthur Saunders
John E. Brown	Leon P. Lewis	David I. Scott
Sam A. Cary	Rufus Lisle	Lee L. Simons
Bryce Cundiff	Harry J. Meyers	George W. Smith
G. Lucien Drury	Harry B. Miller	Ira D. Smith
W. D. Duncan	Claude D. Minor	R. F. Stewart
George W. Ellis	S. H. Moore	Frank L. Strange

H. V. Thompson	John M. Tinsley	Geo. C. Waggoner
Geo. F. Thompson	Garnett W. Tolin	W. T. Walker
H. Q. Thompson	N. I. Toombs	W. S. Wallen
S. G. Thornberry	Chas. B. Truesdell	W. D. Watkins
D. D. Thornberry	John L. Trumbo	J. B. Wicker

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Resolved that the title thereof be as aforesaid.

Mr. Minor moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

A message was received from the Senate announcing that they had passed a bill which originated in this House entitled:

H. B. 309. An Act to amend sub-section C of section 2, Chapter 90, page 415 of the Acts of the General Assembly, 1920, regulating fees for passenger automobiles.

(For bill see Journal March 1st.)

Together with amendments thereto proposed by the Senate.

Said amendments are as follows:

“Amend House Bill 309 by adding at the end of line 12 the following words:

The weight of any motor vehicle shall be determined by a Standard Service Bureau with the vehicle fully equipped.”

Also amend said bill by striking out the following words:

“The weight of any motor vehicle shall be taken as the

weight, fully equipped, at which the manufacturer represents the car, and in lines 13 and 14.

Said amendments were concurred in.

Said bill as amended was then passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

B. C. Beckmann	R. O. Huntsman	H. Walter Pierce
C. W. Bennett	Lester Jeter	S. R. Powell
J. E. Bickett	H. R. Lawrence	Arch M. Quarles
W. M. Boling	Martin Light	Arthur Saunders
J. F. Bosworth	Rufus Lisle	Lee L. Simons
John E. Brown	C. C. May	Reuben E. Skaggs
Sam A. Cary	Harry B. Miller	George W. Smith
Chas. Chandler	Claude D. Minor	R. F. Stewart
Lee Clark	R. C. Moore	H. V. Thompson
J. C. Day	S. H. Moore	Geo. F. Thompson
O. A. Denton	Ed. P. Murrah	S. G. Thornberry
G. Lucien Drury	B. A. Muster	D. D. Thornberry
W. D. Duncan	C. D. McCaw	John M. Tinsley
George W. Ellis	W. T. McGuire	N. I. Toombs
Mrs. M. E. Flannery	R. D. McMurtry	John L. Trumbo
Emery L. Frazier	E. E. Nelson	Oscar Vest
Dr. H. M. Fultz	Chas. A. Nelson	Geo. C. Waggoner
W. L. Gossett	Geo. W. Newman	W. T. Walker
Bryant Green	D. A. O'Donovan	W. S. Wallen
Ed. A. Gullion	C. C. Oney	W. D. Watkins
Arch L. Hamilton	James Park	J. B. Wicker
David J. Howard	Brodie Payne	T. C. Willis

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A message was received from the Senate announcing that they had reconsidered and passed a bill which originated in this House entitled:

H. B. 193. For title and bill see House Journal, March 14th.

The Governor's objection and veto to the contrary notwithstanding.

Ordered that the Chief Clerk of this House deliver said bill to the Governor.

A message was received that the Governor announcing that he returns to this House where it originated without his approval and signature a bill entitled:

H. B. 224. An act relating to pensions for indigent or disabled confederate soldiers, amending section 1 of Chapter 1021 Acts of the General Assembly Session 1918 and amending section 23 of Chapter 35 Acts of the General Assembly of 1914, both acts relating to the same subject.

Together with his objections to said bill and his reasons therefor.

(For bill see House Journal Feb. 6th).

The objections of the Governor and his reasons therefor are as follows; viz.:

House Bill 224 has as its object and purpose and will accomplish, if it becomes a law, a very material increase in the sum of money to be paid under the Confederate Pension Act. The Confederate Pension Law as it now stands gives to widows of confederate soldiers a pension if they were married to such soldiers prior to January 1st, 1890.

House Bill 224 strikes out 1890, and makes all women who married soldiers between 1890 and 1922 eligible for participation in pensions. This will add at once more than fifty names to the pensions rolls at an annual cost of about \$8,000, and this cost may continue as long as ten or fifteen years. The bill is still more objectionable because the language may now be construed so as to apply to all women who

married old confederate soldiers after this time, and who will be their widows at the time of the soldier's death, and under the provisions of this act they also will become eligible, and if they are once eligible, they will continue to draw a \$144.00 each year from the State until their death. When the Confederate Act was passed, it was the intent and purpose of those who passed it that it should apply only to the widows of soldiers who were already married, and the law has existed since 1912 through Legislature after Legislature under these terms.

It is not the wish, the will or desire of the Confederate soldiers themselves that this act shall be so extended at this time. There has been no demand of their official organizations for any such extension, and I know that many of the most representative confederate soldiers are opposed to the proposed change in the law.

There is further provision of the bill which provides that confederate pensions shall be paid to soldiers and their widows although they have moved out of Kentucky and permanently abandoned it as their home. This is a further extension of the act, and will cost additional money to the State. When the law was originally passed, it specifically provided that pensions should not be paid to any confederate soldier or his widow unless they were actual residents of Kentucky. It is now proposed to so amend the law as to give this pension from the State to one who has abandoned this state and ceased to be a citizen of it.

This bill will cost the state thousands of dollars. This cost will continue, if this act becomes a law, for many years. The amendment is not desired by the confederate soldiers. Those who originally framed the law, never dreamt of such an extension.

For these and other reasons the act is vetoed.

EDWIN P. MORROW,

Governor of Kentucky.

Thereupon the House proceeded as provided by the Constitution to reconsider said bill.

After such reconsideration the question was taken upon the passage of said bill, the objections of the Governor to the contrary notwithstanding, and it was decided in the affirmative.

Ordered that the Clerk of this House deliver said bill with the objections of the Governor thereto, to the Senate with the announcement of the action taken thereon by the House of Representatives in order that the Senate, may in accordance with the provisions of the Constitution, reconsider said bill.

Speaker laid before the House the following communication, viz.:

THE TAX PROBLEM AND TAX PLANS.

Taxation is our greatest public problem. It is the greatest problem of the State as well as the National Government. Public expenditures have so increased that nations of the world are experiencing difficulty in providing revenue to meet them. The accumulated obligations of the recent war have not been paid. The problem of paying necessary public expenses and of providing for the payment of past obligations is perplexing the minds of our leading statesmen and officials—a problem which is serious if not critical.

Taxation will continue a burden for some time. The interest on the National debt alone will equal annual expense of normal times. Also the recent business depression has diminished our resources to such an extent that normal taxes are becoming burdensome. Many public improvements were contracted during a time when taxation was not of serious consequence. We may curtail expenditures, but these assumed obligations will now be satisfied at the discomfort of

the tax paying public. In order to reduce the public burden it will be necessary to inaugurate a policy of economy and curtailment of public improvements.

STATE TAXATION.

State taxation is of more concern to the average taxpayer than national taxation. The State derives its revenue from direct taxation. Every tax measure adopted by the State imposes a burden directly upon the citizens.

The primary purpose of taxation is to obtain revenue to operate the Government. Its function is to extract revenue from the citizens of the Government, and to distribute the public expenses among the citizens. "Taxation is a matter of State-wide concurrence, involving not only the mere collection of State revenue or local revenue, but of equal importance the apportionment of the burden equally as between one locality and another and one individual and another. It is essential, therefore, that all citizens be brought into cooperation towards the development of a system which shall induce and enforce equality of burden throughout the entire State." (Holcomb.)

A proper conception of taxation is taking into account the entire public expenses, all expense necessary to the conduct of the State Government and the various sub-divisions of the State. The maintenance of the local Government is a public burden. The aggregate expense of the local Government is even greater than the expense of the State Government. A tax law therefore should take into account and provide for the support of the county and municipal Governments as well as the State Government.

FUNDAMENTAL PRINCIPLES.

There are principles which are fundamental to the proper distribution of the public burden. Questions that should be established before attempting to perfect a tax system. These principles are basic and upon which all systems should rest. they are the following, viz.:

1. Taxation a common public burden.

2. Taxation a personal obligation of each citizen to the Government.

3. Authority of the Government to levy taxes for its support.

4. Equality, the principle of tax distribution.

Taxation is a common burden because its purpose is to provide for the needs and wants of the public. Again taxes are levied for public purposes only. All expenditures are made by the Government for the comfort and edification of the people.

Government property is common property. It belongs to the citizens of the Government as a whole. A building erected by the State, belongs to the people of the State. A building erected by the county, belongs to the people of the county. A building erected by the City, belongs to the people of the City. A school building erected by the citizens of a district, belongs to the people of the district. The fact that public buildings, such as houses of justice, public schools as well as public roads are for the benefit of the whole public, makes them common property. The funds to provide public improvements are common funds and we may logically conclude that taxation is a common burden.

Taxation is a personal obligation of each citizen to the Government. "The public's collective wants are as much a part of the nature of civilized man as are his individual private wants, and the essence of taxation is a moral, as well as legal obligation." (Seligman).

"The subjects of every State ought to contribute to the support of the Government as nearly as possible in proportion to their respective abilities, that is, in proportion to the revenue which they respectively enjoy under the protection of the State." (Smith).

"Taxation is an obligation of persons, not of property. Property enters into consideration only as a means of measuring the amount of taxes to be paid by the several citizens." (Fairchild).

“It is persons that are taxed, measured by ability, and property is one of the measures. The obligation to help pay the expense to the community arises from the enjoyment of the benefits of the community, and are to be in part measured by his ability to pay. There is every reason why every citizen of the community should help pay the expenses in proportion to his ability, whether that ability be measured by real estate, intangible property or otherwise.” (Holcomb).

There should be no contention about the right of the Government to levy taxes. The term Government means authority. The Government is an institution created by the citizens for their mutual protection and control. It is the instrument which directs the affairs of the public, and every Government has the right to exact contributions for its support from all its subjects. “The right of taxation is derived directly from the conception of sovereignty.”

The State Government exercises sovereignty over the entire territory of the State. The various sub-divisions of the State maintain local Governments. The County Government exercises sovereignty over the territory of the County. The municipal Government exercises sovereignty over the territory of the municipality. Under each form of Government the citizens are required to provide for its support. In each case the Government, whether state or local, exercises the same right of sovereignty over the people which constitute such Government. The right of each citizen to participate in the management of the Government carries with it the responsibility of individual support.

TAX DISTRIBUTION.

Tax distribution is fundamental. The greater the public burden, the more important its distribution. The fundamental principles herein enunciated, which are acknowledged by authorities to be a proper index to tax distribution, point to a common conclusion. They charge an obligation to each citizen of the Government. This obligation is personal because each citizen receives benefits from the Government.

Taxation represents payment for benefits which the citizen receives from the Government.

The public tax should be distributed among the several citizens equitably. It should be proportioned according to the respective abilities of the citizens, so that there will be an equal sacrifice among them. Equality is the fundamental principle of tax distribution.

“That system of taxation which apportions the burden equitably among all persons liable, is just, even though it may result in inequality as regards different kinds of property. In my opinion the purpose should always be to produce justice as among the several taxpayers, taking into account the entire tax burden, state, county and municipal.” (Fairchild).

TAX PLANS.

There are three plans in operation in various States, viz.:

1. The general property tax.
2. Classification
3. Segregation.

In addition to the plans enumerated the Income Tax is often adopted as a supplementary tax.

The plan of segregation or separation of property for taxation has been tried in some instances but authorities generally condemn it.

Every State in the Union has a property tax. This tax is not applied to all property in some States, but is applied to some properties in all States. No Authority would abandon the property tax entirely.

Classification is also a property tax. This plan recognizes certain properties as preferred and authorizes the imposition of smaller tax upon some classes of property than upon other classes.

The income tax has not been adopted to the exclusion of other plans, in any State. In some cases it has been adopted

to supplement other taxes. In other cases it has been applied to certain classes of property in lieu of a property tax.

The general property tax makes no distinction between properties for the purpose of taxation. Under this plan all properties are taxed at the same rate and according to value in dollars. In other words one thousand dollars invested in bonds and one thousand dollars invested in land are each required to pay the same amount of taxes to the Government. This is what is known as the uniform rule of taxation.

Classification is a plan which provides that different properties may be taxed at different rates, a plan without definite rule or standard, a plan which thus far has not been defined constitutionally. It is a plan of implied but not specified restrictions.

The income tax though not in operation in any State to the exclusion of other systems seems to be growing in popularity. The theory upon which it is based is sound. It is founded upon a correct principle, upon the principle of ability to pay. This plan requires more intelligence in administration than other tax plans, yet when properly enforced should distribute the public burden in an equitable manner—recognizing no distinction between persons or properties.

KENTUCKY'S THREE SYSTEMS.

Great as our public problems seem they are not peculiar to the present generation. The same problems have been encountered by others. I think therefore we may gain information from the experience of those who have attempted to solve similar problems. Taxation is one of the first problems of the Government. It has never been solved to the entire satisfaction of every taxpayer. It is mere presumption to think we have now discovered a perfect solution.

I present for consideration the different plans of taxation, which have been in force in Kentucky in recent years. Within a period of forty years, we have had three different tax systems in the State. Prior to 1891, we had a system of

Legislative taxation. A new Constitution was adopted that year which abolished Legislative taxation.

From 1891 to 1917, we had in force the general property tax system. Our present Constitution was amended in 1915, and the present law was enacted in 1917, pursuant to this Constitutional amendment which authorized classification of property for taxation. A study of these different systems will afford some information as to their respective merits.

The subject of especial interest is the law now in force. There is the widest diversion of opinion as to its merit. It is approved by some property owners, while in other instances it is severely condemned. The differences of opinion in regard to our present system may be accounted for by the different angles from which we view the subject. The opinion of the individual taxpayer is influenced by the treatment which his property holdings have received under the provisions of the law.

Much has been said about the tax law now in force in Kentucky, which is irrelevant. Arguments are used which have no direct bearing upon the question or principle involved. It has been discussed from the standpoint of individual interests or classes of taxpayers within the State. These arguments may be weighed, but upon them no decision can properly be made until full consideration is given all interests of the State, affected by the law.

The interest of the State is not the sole nor paramount question involved. The interest of the community and local Government is of equal or greater importance than the State. A tax system should effect a proper distribution of the entire public burden provide for the needs of the State, the community, as well as protect the individual citizen. This discussion will be an attempt to present the objection as well as the merits of different systems.

CONSTITUTIONAL DISCUSSIONS.

Legislative taxation was discussed at length in the late Constitutional Convention of Kentucky. This discussion

may be of interest to those who are seeking information on the tax question. I will submit some arguments taken from the records of the convention which adopted the present Constitution. These statements are from various members of the Convention and follow:

“The purposes of the Constitution are to limit the power of the General Assembly to pass local acts, and to take away forever from the Legislature the power to delegate to counties of other subdivisions of the State, the sovereign authority to tax in the aid of any private corporation.”

“We have not been sent here to grant favors to any individual or class, but to protect alike all citizens who sent us. Not in the interest of any class but in the interest of all the people to whom we are bound to grant equal rights and equal privileges.”

“Farmers do not claim any exclusive privileges, do not ask to exempt anything not exempt for other people. All we want in this Constitution is that such provisions be made that every species of property shall bear its just and fair proportion of taxation, Not only that, but that every species of property shall be brought to light.”

“Development has been projected by private enterprises, and the money has been put into them by private capital. To foreigners, I say come and share our benefits and our burdens, and that is fair and it is honest. It is one of the important things that the people of Kentucky had in mind in calling this Constitutional Convention, and if we fail to do this, we failed to meet the expectations of our constituents. I am not afraid that capital will be driven off, it is already coming; it will only be driven off by hostile laws and these are not hostile.”

“The question of taxation is one of vital interest to every citizen. It is the very corner stone of Government, and upon it rests, more than all else, the value of the Constitution. On the question of exemptions I say personally, and I believe I utter the views of nearly every Member of the Committee on

Revenue and Taxation, that the more we investigated it, the clearly it appeared to us, that all exemptions other than the property of the Government were wrong."

"We have another proposition and when you come to examine it you will find the same class (of delegates) advocating the same interests. It is said that certain institutions should not be required to pay the same rate of taxation as other institutions. It is the same controversy over again, the same effort upon the part of one class in the State to gain an advantage over another. I say it is unfair, it is unjust, a stain on the reputation of the State, and should never be tolerated by the Government."

"The desire to make taxation rest as nearly as may be, equally on every species of property, does not grow out of hostility to such property. This Committee is friendly in a broad and general sense, and opposed to having this Constitution leave the door open for the character of local and class Legislation urged by the opponents of this report. The third section provides that taxation shall be uniform upon all property within the territorial limits of the authority levying the tax. This is the correct principle."

"But these gentlemen (advocating Legislative taxation) have been accustomed to a patchwork constructed by various influences of Legislative lobbyists or standards of Legislative wisdom, and they conclude that the fact of its existence is proof of its wisdom. There is no reason why any person or corporation should receive any aid from the public tax. All the delegates to this Convention, who oppose the principle of uniform taxation, propose to leave the entire question of the Legislature where it has been for forty years, where burdens have grown up and exemptions have increased until one-fourth the taxable property in the City of Louisville is exempt from taxation. If you desire to remedy this, one of the greatest abuses you are called upon to provide a remedy for, you must put your foot on this subterfuge."

"I am not in favor of leaving the matter of taxation to the Legislature. You must necessarily declare a cardinal

principle in your Constitution. You must say how far the Legislature may exempt property, not only of one class of subjects, but of all subjects. In my humble opinion Legislatures of this country have most grievously abused their discretion by exemptions."

This convention determined, after mature deliberation, that the great abuse and trouble which has grown up in the State of Kentucky, under a former Constitution, was by the Legislature exempting certain property in the State from taxation. As a remedy for this, in the wisdom of this convention, it determined that no property shall be exempt from taxation, except that which was specified by the strict letter of the Constitution itself."

THE LAW ADOPTED.

By authority of the recent constitutional amendment the present tax law in Kentucky was enacted in 1917. The law provides that intangible property shall be subject to taxation for State purposes only. It further provides for the exemption of great volumes of tangible property from county and municipal taxation. Included in the list of tangible exemptions is the machinery of manufacturers, stocks in storage of manufacturers in the course of manufacture, farm machinery, etc.

RESULTS.

Each Legislature since the adoption of the law has provided additional exemptions from county and municipal taxation. It will be seen therefore that the things for which our constitutional delegates labored so earnestly have been destroyed. The evils complained of under the legislative system have been reinstated. The tax system in Kentucky is subject to all the criticisms which the members of the Constitutional Convention heaped upon a former system. It was sought to prevent a repetition of this by providing that no property should be exempt, except that which was specifically mentioned in the Constitution.

The Kentucky tax law has been pronounced a success by the State Tax Commission. This may be true as concerns the State alone. The State takes revenue from all sources, subjects and property. The requirements of the State are much less than those of the counties and municipalities. The tax burdens of the latter have increased each year since the present law was enacted.

The high tax rate and assessment that is being maintained in counties and municipalities in Kentucky is accounted for largely by the fact that the State is robbing these local governments of much revenue. The counties and municipalities are prohibited from taxing great volumes of property. The deficit from innumerable exemptions granted by the law is causing financial embarrassment to the counties and municipalities. To maintain the local governments our business and banking institutions are being taxed to exhaustion. Due consideration was not given the right of the local governments to participate in various sources of revenue.

CLAIMS OF THE LOCAL GOVERNMENT.

Aside from the financial loss resulting from our present tax provisions, we have not the proper interest in local government. Many citizens receive benefits from the local government without contributing to its support. It is essential to good government that all citizens co-operate in its maintenance. Every public benefit as well as public improvement should be shared by the entire citizenship of the community. If not shared universally, those not participating in such expenses are likely to indulge in extravagance or to remain indifferent to public expenditures.

The non-taxpaying element of the community, augmented by an element of the citizenship which is tax free, makes a large percentage of the citizenship indifferent to public expense. For the common good of the community, it is necessary that as many of the citizens as possible be interested and par-

ticipating in all public improvements. Public schools especially should have the support of every citizen.

UNEQUAL DISTRIBUTION.

Unequal distribution of the tax burden has also resulted from the exemption of classes of property from county and municipal taxation. This can be illustrated by taking the cases of two taxpayers, owning different classes of property. First, we will take the case of a real estate owner whose property is worth \$10,000, in a municipality where the tax rate totals three dollars for all purposes. This taxpayer will pay to the State, county and municipality a total of \$300.00. We will compare this with the case of a security owner who has \$10,000 invested in intangible properties. This taxpayer would pay taxes to the State, only, the sum of \$40.00. It will be seen by this comparison that these two properties are of the same value and yet one of the property owners will pay more than seven times that of another on the same investment.

Another case to which my attention was called was that of an individual who made a loan of \$10,000, on a piece of real estate which cost \$20,000. This loan was made on the real estate and secured by a mortgage. The titleholder paid the taxes on the entire value of the property. At a tax rate of three dollars, which includes the State, county and municipal tax, the owner paid \$600.00. The noteholder, who in reality had an equal interest in this property, paid to the State only the sum of forty dollars. Further illustrations could be given, but I deem these sufficient to illustrate the point that separation as now in force in Kentucky destroys all semblance of equality in taxation.

ORIGIN OF KENTUCKY LAW.

“Our besetting sin is the desire for a change, especially in the law by agitation without deliberation. Our revenue laws have been changed every few years and largely by agitations started by one or two interested groups, and without

considering the purpose of the law; revenue for a government to enable it to perform its functions. There is need for taxation that will spread like the grace of God to the great majority of the people, that they may have the privilege of contributing to the support of the government as well as the privileges of its protection.”—(Joseph G. Cannon.)

The Kentucky law was conceived by an organized group of citizens and for the evident purpose of relieving certain properties from taxation. The question of equalizing the public burden, as well as the distribution of revenue, seemed to receive little consideration. The law was enacted after a long period of agitation, and public denunciation of the uniform system then in force.

The time was opportune for a change. The propounders of this measure took advantage of this fact, though never disclosing their plan and purpose. The provisions of the law were new and without precedent. The Legislature was induced to accept the measure upon the pledge of its authors that it would relieve, eventually, real estate from taxation. The privately financed organization which fostered the law is still being maintained, and resists every effort to change or to amend it.

“It may be urged that justice demands a low rate for intangibles. There has been, however, a reticence altogether too optimistic to assume that the low rate of taxation of intangibles has been a success. The law has caused an increase in the number and value of securities listed for taxation. The doubling of the rate in 1897 appears to have had little effect in checking the registration under the Connecticut law.

“It will appear that a very large amount of such property escapes taxation. We have, of course, no way of knowing how much of such property there is, which is subject to taxation. The amount must certainly be great, probably several times as great as that which is reached by the present (low classification) tax system. A plan, which, in all probability

does not reach half of the property taxable under it, can hardly be called a success. The increasing realization of this fact is what has given strength to the modern demand for a State income tax.”—(Fairchild.)

Notwithstanding the fact that there was an increase in the amount of the assessment of intangibles, this Commission is thoroughly convinced that a very large percentage of the intangibles in this State subject to taxation are not assessed, and are escaping their just proportion of the tax burden.”—(Kentucky State Tax Commission.) The low tax rate for intangibles has been no greater success in Kentucky than in Connecticut.

SUPPORT.

The law is supported from a purely selfish standpoint, that of creating extra dividends in the form of tax release. If the law grants a release from taxation, this release is nothing more nor less than a dividend which must be paid out of the public purse. This accounts for the support the present law has and it comes principally from the cities where tax rates are high.

The principal argument offered in support of the plan now in force in Kentucky is, that more property has been listed for taxation since its adoption. “It is not enough to show improvement; the very rottenness of the former state makes easy a good showing for the new device, even though it may still be so imperfect, that at best we have only mitigated, not relieved the evil. I submit that the true measure of the tax device, is the degree of its approach to the ideal. To what extent it has succeeded in taxing the property in question.”—(Fairchild.)

To add intangible property to the tax duplicates and release it from three-fourths of the public burden is of no relief to the communities. The increase noted, however, since the adoption of the law has been as largely created by increasing the assessment of real estate as from any other source.

This class of property has been doubled in assessment within the past three years.

Notwithstanding the unequal distribution of the tax burden resulting from the tax plan now in force in Kentucky, and notwithstanding a condition which has caused the counties and municipalities to suffer unbearable tax burdens, there are those who contend the law is just and should be maintained. Regardless of the tax rate on various properties, some insist that intangible property should not be taxed for local purposes.

Fifty million dollars or more is spent annually to maintain our local governments, while twelve million dollars is spent to maintain the State government. Omitting intangible properties from local taxation, is relieving such properties from the bulk of the public burden, relieves such properties from the support of the local schools, local public improvements, roads and the like.

PRINCIPLES OF TAXATION.

Taxation is a science based on economic principles. These principles are not changed by time or conditions. The principles laid down by early writers are approved by economists of the present time. The basic principle of taxation is equalization, equality in the distribution of the public burden between subjects and properties. All tax systems should conform to this principle, because "The expense to the individual is like the expense of the management to the joint tenants of a great estate, who are all obliged to contribute in proportion to their respective interests in the estate. In the absence or neglect of this maxim consists what is called the equality or inequality of taxation."—(Smith.) This maxim is approved by all modern writers.

If the basic principles herein enunciated are correct, viz.:

1. Taxation a common public burden.
2. Taxation a personal obligation.
3. Taxation a governmental authority.

4. Equality, the principle.

then a law which violates one and all of such principles is fundamentally wrong.

CLASSIFICATION.

There has been no system of taxation yet devised which satisfies entirely the demands of the government and at the same time dispenses equal justice to every taxpayer. There are inequalities under all systems. The problem is to eliminate these as far as possible. Adopt the system which does justice to the greatest number.

“Classification is an expression to describe the method of procuring greater justice in property taxation, by allowing for the varying differences in the productivity of property. The idea of classification was never intended to do more than help towards an equalization of the public burden.”—(Holcomb.)

“Classification can be approved only so far as circumstances of each case justify it. The presumption is always in favor of uniformity. Separate classification of any class of property is justified only so far as economic characteristics of the class make such a course desirable or even necessary. The burden of proof undoubtedly rests upon the advocate of classification, and he should be required to prove his case. The aim should always be to secure equality, and classification is defensible only as a means to the end of securing real, as contrasted with formal equality.”—(Bullock.)

Classification is of modern origin. Its suggestion induced economists to investigate the theory and make an application of it. Classification measures have been enacted in several states. The measures so far enacted upon the sanction of economists have been pronounced a success. It could hardly be expected that any law would be perfect without due trial. It is my judgment that the main source of trouble with classification will be found in the abolishment of constitutional restrictions relative to tax distribution.

The listing of liquid properties is the unsolved problem in taxation. The question of obtaining the greatest revenue from this class of property is puzzling economists. While classification may equalize the burden between properties taxed, it has failed to produce the desired results in listing such property. There seems now a tendency to experiment with the income method. Regardless of what may result from future investigations of this subject, I am inclined to believe no method will succeed under the voluntary listment plan,—force and penalty must be invoked to produce a final solution.

Classification may be made to produce justice and equality in tax distribution. The merit of classification, as well as any system, is judged by the manner in which it distributes the public burden. Classification as it is conceived, is the most approved method of tax distribution at the present time. Much is done under the guise of classification, which in no sense conforms to the principle. I condemn the abuse and distortion of the pronounced principle and purpose of classification, as enacted into laws.

The Kentucky law was enacted as a classification measure. It did not, however, classify property for taxation. It was a confusion of classification and the segregation methods. It principally segregated property and released certain classes from local taxation. The result was, inequality and discrimination in exchange for the same troubles complained of under the uniform system.

KENTUCKY PROBLEM.

The problem is to secure a fair apportionment of the public burden among citizens and properties; to safeguard the interests of the great mass of taxpayers. No permanent safeguard can be effected by legislative action. All acts of the Legislature are subject to revision or repeal, by a subsequent Legislature. Anything permanent must be incorporated in the Constitution. Less trouble is likely to be encountered from restricting legislative action than by allowing it too much

latitude. When classification is authorized the provision of the Constitution should specify that tax rates shall be equal or proportionate on various classes of property. This would insure that laws enacted conform to general and approved principles of taxation. It would prevent discrimination and favoritism.

The tax provision of the present Constitution practically removes all restriction in tax distribution. It has been construed as authorizing the Legislature to exempt any and all classes of property from local taxation. It has also been construed as authorizing a limited tax on properties for State taxation. The Legislature is granted any latitude save to entirely exempt property from State taxation. Such authority has been assumed in the enactment of the law now in force. The operation of this law has demonstrated the inequalities and objections. The law is not sanctioned by any authority.

“I have from the start been opposed to the separation of the sources of revenue as being inherently destructive of national advance in the general matter of equitable taxation. I agree with you that in Kentucky subjects have been separated and made to contribute only to state revenues, which should properly belong to local communities and I should say that if possible, you ought to get back to the situation which you had before the change, excepting that I agree that, as a practical matter, it will be necessary to retain some sort of a classification on the different kinds of property. I mention another objection to separation, which is the tendency it has to diminish the interest of the taxpayers in the state government. You have, also, mentioned another objection which is the necessary result of separation. Taxes must be raised and if the communities are stripped of the ordinary sources, such as tangible and intangible property, they must rely upon the extremely unjust and artificial license taxes. These taxes are most erratic in their operation and cannot be made to work with justice.”—(Holcomb.)

“I will state that in my opinion the segregation of certain classes of property for state revenue, is apt to produce inequitable results if carried to any considerable extent, and I should think that the present system in Kentucky would be inequitable.”—(Fairchild.)

“I do not believe in complete separation of the sources of revenue. It cannot give a final solution.”—(Bullock.)

It should appear to the unbiased mind that separation of sources of revenue is a rejected method of tax distribution. I take it, therefore, the disapproval of this method by economists would justify the Legislature in abandoning such plan. Not only on such ground but the additional fact that experience has demonstrated the plan in operation in Kentucky has placed undue tax burdens on certain classes of property.

CLASSIFICATION AUTHORIZED.

We would have a hesitancy in disregarding the principle of classification authorized by the present Constitution. In fact it is our purpose to recommend just classification of property for the plan now in force. This suggestion should meet with approval because certain classes of property can bear a higher rate of taxation than other properties. This theory is based upon the principle of ability to pay, as well as upon practical results which are being obtained from levying a tax which will not justify evasion in payment. We will, therefore, suggest the adoption of a system of classified taxes upon the various properties of the State. It should be clearly understood that the application of classified rates has nothing whatever to do with the distribution of the public funds. Classification is simply a method of applying a just tax to each class of property, the distribution of the revenue derived from such taxes is a separate and distinct proposition.

In considering the classified rates we should be guided by the suggestions of economists. We should also give due consideration to the results obtained from similar laws now in operation in other states. We are advised that the maximum

rate on intangible properties be reasonable. I think the rate on this class of property should be in proportion to the rate borne by other properties. I am not in agreement with some authorities who think we should fix arbitrarily a rate on intangible properties. The burden of taxation may be light in some cases, in which event the rate on intangible properties should be proportionately low. On the other hand, the total of all taxes may be excessive. In this event the rate on intangible properties should be proportioned to the rate on other properties. I think, however, there is a limit beyond which we should not venture in taxing intangible properties.

“EXEMPTIONS.”

As to taxing tangible properties the course of wisdom directs us to make few exceptions to the uniform rule. The reason for this suggestion is that this rule when broken is most difficult to maintain. This is particularly important in Kentucky because the problem of taxation is strictly legislative and the appeal for exemption or modification in the rates on this class of property will be made and a distinction in the merit of each case will be difficult. It is the observation of our Constitution makers that granting exemptions is an intolerable custom.

“Your present (Kentucky) tax laws do grant altogether too many exemptions and you ought to abolish many of these. I do not believe that any kind of income-yielding tangible property ought to be exempted.”—(Bullock.)

The practice of granting tax exemptions has been greatly abused. It has reached such proportions that it is attracting serious consideration by the Congress of the United States as well as the National Tax Association. It was recently suggested by the Secretary of the Treasury, as well as by the other leading officials, that the National Government adopt an amendment to the Constitution permitting the taxation of government and other non-taxable securities. It is estimated by these officials that \$10,000,000,000 (ten billion) in securities

are now escaping taxation, thereby creating embarrassment to the National Government. The effect has been the diversion of capital from business channels.

“It is axiomatic that taxation should be universal and that every person in the jurisdiction of a government should contribute to the support of that government in a proper proportion. The exemption of any individual or class in part or in whole is favoritism or privilege and as such is indefensible. If the basis of taxation be property, all private property should be taxable. Exceptions to this rule should be technical only, and should never result in actual lessening of any one’s fair tax burden. The only ground for absolute exemption of taxation, either of property or income revenue, is absolute public use.”—(National Tax Association.)

Exemptions from taxation, no matter for what purpose, have one and the same effect. The objections filed against constitutional exemptions apply with equal force to those for other purposes. I cannot therefore be reconciled to the custom of exempting various classes of property from local taxation in Kentucky. The excuse offered by the propounders of the law are that it should be done for the sake of expediency or some kindred purpose. I maintain that such words as “expediency,” “promotion” do not belong in the tax vocabulary. The function of the law is to maintain equity which can only be tempered by justice in the several cases.

The classification of real estate for taxation has been suggested by many local authorities in this State. There can be no objection to a modified classification of this property. This classification must necessarily be reasonable to meet the requirements of the Constitution. It is contended that farm lands be given a slight reduction in State taxation. This recommendation is based upon the theory that farm property is a productive property. The same properties remain taxable year after year. The case of mineral rights is not the same. The mineral supply of the State, being drawn upon

constantly, whatever of value that is removed each year is not taxable thereafter.

TAX DISTRIBUTION.

I have previously discussed tax distribution and I think it unnecessary to enlarge on what has already been said. I repeat, however, that the revenue from intangible properties should be distributed to the localities in a fair proportion. I think, also, that the revenue from tangible properties, much of which has heretofore gone to the State, should be distributed to localities. "The interests of the localities are even more important than those of the State. We in New York, now distribute one-half of the income (intangible) tax and one-third of the general corporation tax to the localities, inasmuch as local needs are growing much faster than State needs, and inasmuch as it is quite plain that exclusive reliance on revenue from real estate will be inadequate for local purposes."—(Seligman.)

No complaint can reasonably be made of a plan to distribute revenue from tangible and intangible properties to the local government since there are many properties from which the State gets the entire revenue. Such as license, franchise and inheritance taxes will continue to go exclusively to the State.

My contention has been that under the present law the State is getting an unfair share of the public taxes. The State is depriving the local government of just sources of revenue. I also maintain that separation of sources of revenue results in an unfair and unequal distribution of the public burden on individuals. I would substitute therefor an equitable classification of properties, basing the rate of taxation on the ability of these properties to meet such obligation. "In principle, the revenue from your tax on intangible properties ought to be divided between the State and localities in some fair proportion. In this State (Mass.) practical consideration made it necessary for us to give the whole of the revenue

from our income tax to the localities. I think your general plan of attack upon the taxation problem is sound. My general impression is that your general program is right.”—Bullock.)

ENFORCEMENT.

After the establishment of a proper classification of different properties for taxation, and after providing a fair distribution of the public funds to the various taxing districts of the State, there remains the practical problem of law enforcement. It is an evident fact that equity in the classification, as well as justice in distribution, can be of no effect without an authority to enforce such provisions. This authority cannot be local because jurisdictions are limited in such cases. The authority must be placed with the State Tax Commission, which office should exercise jurisdiction over all matters of taxation in the State.

“No scheme whatever (of tax distribution) will work until you are willing to put into effect a thoroughgoing system of administration, with a State Tax Commission with complete power and with a force adequate to absolutely require and enforce rigid adherence to the laws, assuming them to be fair and just. There is no use of discussing tax reform until this absolutely essential pre-requisite is recognized. Taxation is a business and requires management by some central supervising and directing force, just as with any other business. I imagine that this is the point where you will have the greatest trouble (in Kentucky), but it is quite useless to expect permanent and effective operation of tax laws until your people are willing to entrust the job to competent hands and give them all necessary power and authority. Anything less means temporary, abortive efforts, effective only in spots, gradually sloughing off into the old slipshod sloughenly methods which obtain in Kentucky just as in a large number of other states in which a lack of business methods exist.”—(Molcomb.)

AN ISSUE.

The situation in Kentucky presents an issue between the State and local government. It has been the policy of the State to transfer much expense to the localities. It is also levying privilege taxes on communities. On the one hand, the State is laying imposts, and on the other, usurping revenues which properly belong to the localities. The supporters of this plan would require realty and tangibles to support the local governments and absorb all excess demands of the State. The localities would fare vastly better by total separation of revenues than by the method now in force.

Economists are generally agreed that classification is the solution of the tax distribution problem. It's purpose is to allow for the "Varying differences in the productivity of property," in establishing tax rates. It equalizes on the basis of ability to pay. With equalization established the problem is to care for excess demands. At the present time there is a strong tendency to a modification of the property tax, with increased reliance upon income.

The first act of the Legislature should be directed to equalizing the public burden between properties, and to making an equitable distribution of revenues. As a means of accomplishing this, I make the following suggestions:

First: Adopt an equitable classification of property.

Second: Distribute all revenues fairly to the various taxing districts.

Third: Empower the Tax Commission to enforce observance of the law.

Which was read and ordered to be spread upon the Journal.

The Speaker laid before the House the following official appointment of five members of the State Normal School Commission as previously authorized by the provisions of Senate Bill No. 14, viz.:

By the provisions of said bill No. 14, which has passed the Senate and House of Representatives and was approved by the Governor on March 8th, 1922, and which provides for the establishment of two new Normal Schools in Kentucky, the Speaker of the House of Representatives was authorized, empowered and directed to designate and appoint five members of the State Normal School Commission, which Commission was authorized to select the location of said two Normal Schools as provided in said act.

After careful consideration, I, James H. Thompson, Speaker of the House of Representatives, by virtue of authority vested in me under said act, hereby designate and appoint Hon. Thomas A. Combs, Hon. E. C. O'Rear, Hon. Sherman Goodpaster, Judge Earl W. Senff and Hon. W. S. Wallen as five members of the said State Normal School Commission, and empower them so far as the authority is vested in me under the provisions of said act to perform the duties and powers devolving upon them as such, and further direct that these appointments be spread upon the Journal of the House of Representatives.

Witness my hand this March 14th, 1922.

JAMES H. THOMPSON,
Speaker of House of Representatives.

Mr. Dorsey moved that a committee be appointed to inform the Senate that the House had now concluded the business before it and to request the Senate to appoint a like committee to act in conjunction with the House Committee to wait upon the Governor to inform him that the Senate and House of Representatives, composing this General Assembly, have completed their labors and were ready to adjourn sine die, and to ask him if he had any further communication to make to the General Assembly.

Said motion was agreed to.

Thereupon the Speaker appointed Messrs. Dorsey, Minor and Watkins as said committee.

After a time the said committee reported that they had waited upon the Senate and had been informed by them that they had completed their labors; and that they had acted in conjunction with a like committee from the Senate and waited upon the Governor and informed him that the General Assembly was about to adjourn and asked him if he had any further communication to make and that they had been informed by the Governor that they had no further communication to make to this General Assembly.

Thereupon the House adjourned sine die.

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